

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

GINA TORRES, et al,)
)
 Plaintiffs,)
)
vs.) No. 4:19-CV-1525-DDN
)
CITY OF ST. LOUIS, et)
al,)
)
 Defendants.)

Volume I
of the Zoom Videoconference Video Deposition of
L. SAMUEL ANDREWS
taken on behalf of the Defendants
August 11, 2020

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Questions By:

Page:

MS. MCGOWAN

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Reporter: Sara Alice Masuga, CSR, CCR
IL CSR No. 084-002993 MO CCR No. 1012

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<p style="text-align: right;">Page 2</p> <p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE EASTERN DISTRICT OF MISSOURI 3 EASTERN DIVISION</p> <p>4 GINA TORRES, et al,) 5 Plaintiffs,) 6 vs.) No. 4:19-CV-1525-DDN 7 CITY OF ST. LOUIS, et) 8 al,) 9 Defendants.)</p> <p>10 APPEARANCES:</p> <p>11 On Behalf of the Plaintiffs:</p> <p>12 Dowd & Dowd, PC 13 By Richard K. Dowd, Esq. 14 Rachel Dowd, Esq. 15 211 North Broadway 16 Suite 4050 17 St. Louis, MO 63102 (Via Zoom)</p> <p>18 On Behalf of the Defendants:</p> <p>19 City Counselor's Office 20 By Erin K. McGowan, Esq. 21 Andrew D. Wheaton, Esq. 22 1200 Market Street 23 City Hall Room 314 24 St. Louis, MO 63103 25 (Via Zoom)</p> <p>24 Videographer: Lou Stemmler, CLVS</p>	<p style="text-align: right;">Page 4</p> <p>1 EXHIBIT INDEX 2 Exhibit: Page:</p> <p>3 Defendants' Exhibit A.....13 (Curriculum Vitae)</p> <p>4 Defendants' Exhibit B.....91 (Affidavit of Samuel Andrews)</p> <p>5 Defendants' Exhibit C.....182 (L. Samuel Andrews' Report and Opinions)</p> <p>6 Defendants' Exhibit D.....50 (Affidavit to Rescind Resignation of Limited Liability 7 Company/Limited Partnership - Freedom Center USA, LLC)</p> <p>8 Defendants' Exhibit E.....49 (Statement of Resignation of Registered Agent of 9 Limited Liability Company - Freedom Center USA, LLC)</p> <p>10 Defendants' Exhibit F.....58 (Articles of Organization - A.R. Tactical, LLC)</p> <p>11 Defendants' Exhibit K-2.....209 (Photo)</p> <p>12 Defendants' Exhibit K-2-1.....223 (Screenshot 1 taken during Vol. I of the deposition)</p> <p>13 Defendants' Exhibit K-2-2.....236 (Screenshot 2 taken during Vol. I of the deposition)</p> <p>14 Defendants' Exhibit K-2-3.....254 (Screenshot 3 taken during Vol. I of the deposition)</p> <p>15 Defendants' Exhibit K-3.....252 (Photo)</p>
<p style="text-align: right;">Page 3</p> <p>1 IT IS STIPULATED AND AGREED by and between 2 counsel for Plaintiffs and counsel for Defendants that 3 Volume I of the Zoom videoconference video deposition of 4 L. SAMUEL ANDREWS may be taken pursuant to the Federal 5 Rules of Civil Procedure, by and on behalf of the 6 Defendants on August 11, 2020, originating at the offices 7 of Masuga Reporting Service, 2033 Hiawatha Avenue, 8 St. Louis, Missouri, before me, Sara Alice Masuga, 9 Certified Court Reporter and Certified Shorthand 10 Reporter; that the issuance of notice is waived and that 11 this deposition may be taken with the same force and 12 effect as if all Federal Rules had been complied with.</p> <p>13 IT IS FURTHER STIPULATED AND AGREED that the 14 signature of the deponent is reserved pending completion.</p>	<p style="text-align: right;">Page 5</p> <p>1 EXHIBIT INDEX CONTINUED 2 Exhibit: Page:</p> <p>3 Defendants' Exhibit K-4.....260 (Photo)</p> <p>4 (Exhibits attached.)</p>

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1 VIDEOGRAPHER: We are on the video record.
 2 Today's date is August 11 of 2020. The time is now
 3 approximately 11:22 a.m. Central Daylight Time.
 4 This is the video deposition of L. Samuel Andrews in
 5 the matter of Gina Torres, et al vs. City of
 6 St. Louis, et al, which is Case Number
 7 4:19-CV-1525-DDN pending in the United States
 8 District Court, the Eastern District of Missouri,
 9 the Eastern Division. This is a teleconference
 10 videoconference deposition and all parties are
 11 appearing from different locations.

12 My name is Lou Stemmler and I am the
 13 videographer. The court reporter is Sara Masuga.

14 May I ask counsel present to identify
 15 themselves for the record, please.

16 (No response.)

17 VIDEOGRAPHER: Or alternatively, we can have
 18 your presence recorded -- recorded in the
 19 stenographic record if that is easier.

20 MR. DOWD: Richard Dowd and Rachel Dowd for
 21 the Plaintiffs.

22 MS. MCGOWAN: Erin McGowan and Andrew Wheaton
 23 for the Defendants.

24 VIDEOGRAPHER: Thank you very much. May I ask
 25 the court reporter to swear in the witness, please.

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1 Q. And what was the nature of that case?

2 A. Divorce and custody.

3 Q. Are you taking any medications that would
 4 affect your memory or hinder your ability to tell the
 5 truth here today?

6 A. I don't take any medications right now.

7 Q. And before we really jump into things, I
 8 wanted to just give you a reminder of the ground rules.
 9 You've had your deposition taken here before, but it
 10 sounds like that was quite a while ago. So, today is
 11 essentially a question and answer session. I'm here to
 12 learn your opinions in this matter. If I ask a question
 13 at any point that you do not understand, I've just asked
 14 it poorly. Please ask me to rephrase and I'll be happy
 15 to do that. And if I at any point in time ask you a
 16 question that you do not know the answer to, "I don't
 17 know" is a perfectly acceptable answer. On the flip
 18 side, if you do answer my questions here today, is it all
 19 right for me to assume that you understood the questions?

20 A. Yes.

21 Q. Okay. And Lou mentioned this prior to the
 22 start of the deposition, but it's important -- especially
 23 important in the context of a virtual deposition that we
 24 don't interrupt each other, so if you could just give a
 25 second or two before you begin to answer any of my

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1 L. SAMUEL ANDREWS produced via Zoom
 2 videoconference, sworn, and examined as a witness on
 3 behalf of the Defendants testified as follows:

4
 5 EXAMINATION

6 BY MS. MCGOWAN:

7
 8 Q. Sir, could you state your name for the record,
 9 please?

10 A. Louie Samuel Andrews.

11 Q. Mr. Andrews, my name is Erin McGowan. I'm an
 12 attorney for the City of St. Louis and the individual
 13 Defendants and it's my understanding that you have been
 14 designated by Plaintiffs Gina and Dennis Torres to
 15 provide expert testimony in this matter concerning an
 16 officer-involved shooting that occurred on June 7, 2017,
 17 at 5414 South Kingshighway. Is that your understanding
 18 of why you're here today?

19 A. Yes, ma'am.

20 Q. Have you ever given deposition testimony prior
 21 to today?

22 A. Yes.

23 Q. Okay. When was that?

24 A. Years ago. I don't remember the exact year,
 25 but I believe maybe 2005 time frame.

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1 questions, I think that will really help Sara make the
 2 record here today.

3 And before we jump into things, is there any
 4 other reason that would prevent you from telling the
 5 truth here during your deposition today?

6 A. No.

7 Q. Sir, what is your date of birth?

8 A. [REDACTED] 62.

9 Q. And, sir, I -- I notice that on some of the
 10 documents that you provided in this matter you -- your
 11 name is listed as L. Samuel Andrews. When did you stop
 12 using Louie or Lou, when did you begin using the initial
 13 rather than the full -- full name?

14 A. Well, I didn't use my own name. My mother's
 15 side of the family calls me Lou, my father's side calls
 16 me Sam because my father, grandfather, and
 17 great-grandfather are all named Lou as well.

18 Q. And when -- are you currently married?

19 A. Yes.

20 Q. Okay. What is your spouse's name?

21 A. Ruth Rainey Andrews.

22 (Clarification by the reporter.)

23 Q. And you mentioned before that you've
 24 previously provided deposition testimony in the context
 25 of the divorce and custody litigation matter. What was

3 (Pages 6 to 9)

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1 your former spouse's name?
 2 A. Do you want her current name? She's been
 3 married about five times. Or do you want her maiden
 4 name?
 5 Q. Maiden name, please. Let's start with that.
 6 A. I believe it's Amy Rae McKelvey.
 7 (Clarification by the reporter.)
 8 Q. And what name did she go by while you were
 9 married to her?
 10 A. Amy Andrews.
 11 Q. Do you know what her current name is?
 12 A. No, I don't. She's had about four husbands
 13 between me and the current one and I've never met him.
 14 Q. Do you have any other spouses besides Ruth and
 15 Amy Rae?
 16 A. No.
 17 Q. What are your previous addresses over the past
 18 20 years?
 19 A. Would you like me to start with my current
 20 address?
 21 Q. Please.
 22 A. [REDACTED]
 23 Q. And what city is that address located in?
 24 A. Lebanon, Missouri, 65536.
 25 Q. And what was your address prior to that one?

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1 A. You know, I may have to ask my wife. I'm not
 2 really sure.
 3 Q. And --
 4 A. It was in -- It was in Jefferson County,
 5 Missouri in the Mirasol subdivision.
 6 MR. DOWD: We -- We can provide all those to
 7 you so we don't have to spend all that time today.
 8 We'll get them to you.
 9 Q. And, sir, if at any point you can't remember a
 10 specific address, that's all right, we'll just do the
 11 best we can.
 12 Where did you live prior to the Jefferson --
 13 You said the Mirasol subdivision. Do you remember a
 14 street name?
 15 A. I don't. It's been a while.
 16 Q. And do you recall your address prior to your
 17 address in Jefferson County?
 18 A. Yeah, that was in Wildwood, Missouri on
 19 Highway 109.
 20 Q. And do you recall your street number for the
 21 Wildwood address?
 22 A. I don't.
 23 Q. Do you recall your address prior to your
 24 address on Highway 109 in Wildwood?
 25 A. I do. It was in St. Charles County on Crooked

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1 Creek Drive.
 2 Q. And have we covered your addresses over the
 3 past 20 years? Are there others?
 4 A. Oh, my gosh, we've probably covered them over
 5 the past 40 years now.
 6 Q. Okay. For example, what years, approximately,
 7 did you live in St. Charles on Crooked Creek Drive?
 8 A. I want to say maybe 1986 to 1997 be my best
 9 guess.
 10 Q. What years were you living in Wildwood on
 11 Highway 109?
 12 A. From '97 until 2011.
 13 Q. What years were you living in Jefferson County
 14 in the Mirasol subdivision?
 15 A. From 2011 until 2017.
 16 Q. And I believe that takes us to your current
 17 address?
 18 A. Yes, ma'am.
 19 Q. Okay. What years have you been at your -- How
 20 long have you been at your current address?
 21 A. Since I left Jefferson County.
 22 Q. 2017 to present, is that accurate?
 23 A. Yes, ma'am.
 24 Q. Where did you attend high school, sir?
 25 A. Parkway West and Lafayette High School in

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1 St. Louis County, Missouri.
 2 Q. Do you have any military experience?
 3 A. No.
 4 Q. Next I want to talk to you about your
 5 educational experience, and before I do that, I'd like to
 6 bring up your curriculum vitae.
 7 A. Okay.
 8 Q. Give me one moment here.
 9 Please let me know when you're able to see --
 10 A. I --
 11 Q. -- your curriculum vitae.
 12 A. I see it right now.
 13 Q. Is that are you seeing that on full screen
 14 view? I just want to make sure you're able to read it.
 15 A. I can read it.
 16 Q. And do you recognize this document?
 17 A. I do.
 18 Q. Okay. It's previously been marked as
 19 Defendants' Deposition Exhibit A. What is it?
 20 A. This is a short summary of some of my work
 21 experience.
 22 Q. All right. And it's true, Mr. Andrews, that
 23 you provided this document to Mr. Dowd in connection with
 24 your -- your providing expert testimony in this matter;
 25 correct?

4 (Pages 10 to 13)

<p style="text-align: right;">Page 14</p> <p>1 A. He requested it and I provided it.</p> <p>2 Q. I want to draw your attention to</p> <p>3 Exhibit (sic) 3 of Exhibit A. This document indicates</p> <p>4 that you attended St. Louis University; is that correct?</p> <p>5 A. I did.</p> <p>6 Q. And you were at St. Louis University from 1980</p> <p>7 to 1982?</p> <p>8 A. I believe it was the fall of 1980 through the</p> <p>9 spring of '82.</p> <p>10 Q. Did you earn any degrees from St. Louis</p> <p>11 University?</p> <p>12 A. No, I just spent two years there, first two</p> <p>13 years of undergrad school.</p> <p>14 Q. And this indicates that you have an Honors in</p> <p>15 Physics. What is that referring to?</p> <p>16 A. As a freshman, I took a senior class called</p> <p>17 Honors Physics, which was the most challenging science</p> <p>18 class they offered in undergrad school.</p> <p>19 Q. You -- You took a physics course while</p> <p>20 enrolled at SLU?</p> <p>21 A. Yes, as a freshman.</p> <p>22 Q. And "Honors," that just refers to the fact</p> <p>23 that you were a college freshman taking a high level</p> <p>24 class?</p> <p>25 A. No, it refers to the title of the course.</p>	<p style="text-align: right;">Page 16</p> <p>1 A. Those are things that I emphasized in my</p> <p>2 education.</p> <p>3 Q. Did you earn any kind of certificate or</p> <p>4 concentration in any of those --</p> <p>5 A. Communica- --</p> <p>6 Q. -- subject matter areas?</p> <p>7 A. Communications, and I also did some graduate</p> <p>8 strategic planning work for one of the professors,</p> <p>9 Bob Hulett.</p> <p>10 Q. And do you have any other education other than</p> <p>11 what is listed here in your C.V.?</p> <p>12 A. Dramatic education in firearms and in</p> <p>13 metallurgy and in engineering.</p> <p>14 Q. Okay. "Dramatic education in firearms," what</p> <p>15 exactly do you mean by that?</p> <p>16 A. The Federal Government paid for me to train at</p> <p>17 various firearms academies around the country.</p> <p>18 Q. And is that experience listed anywhere on your</p> <p>19 C.V.?</p> <p>20 A. You know, I didn't really get into the</p> <p>21 firearms training on the C.V.</p> <p>22 Q. Okay.</p> <p>23 A. I don't think -- I think -- I don't think I</p> <p>24 listed a lot of that; just the work experience.</p> <p>25 Q. And do you believe that your training in</p>
<p style="text-align: right;">Page 15</p> <p>1 It's the most difficult level of physics they teach at</p> <p>2 the undergrad level. I --</p> <p>3 Q. Oh, the --</p> <p>4 A. Believe -- I believe it was in the description</p> <p>5 of the course.</p> <p>6 Q. The Honors in Physics is the title of the</p> <p>7 course you took?</p> <p>8 A. Well, I don't think the word "in" is proper</p> <p>9 there. I think it should say Honors Physics.</p> <p>10 Q. Thank you, I appreciate that clarification.</p> <p>11 And then right above the line indicating that</p> <p>12 you attended St. Louis University, you indicate that you</p> <p>13 were at Lindenwood University from 1982 to 1985; is that</p> <p>14 correct?</p> <p>15 A. Yes.</p> <p>16 Q. And did you earn a degree from Lindenwood</p> <p>17 University?</p> <p>18 A. Yeah, it's right there in the line, a B.S. in</p> <p>19 Business Administration.</p> <p>20 Q. And then you also list some, I believe they're</p> <p>21 courses, is that -- is that correct, marketing, field</p> <p>22 biology, business law, communications? Am I right, are</p> <p>23 those courses you took --</p> <p>24 A. Those --</p> <p>25 Q. -- while at Lindenwood?</p>	<p style="text-align: right;">Page 17</p> <p>1 firearms is part of your qualifications that put you in a</p> <p>2 position to render an opinion in this case?</p> <p>3 A. No, because the training that I received in</p> <p>4 firearms was operating the firearms. It's probably</p> <p>5 helpful to some degree, but I'm not sure that it's</p> <p>6 critical to the external ballistics side. More the</p> <p>7 science and -- and the exper- -- the work experience is</p> <p>8 probably more significant.</p> <p>9 Q. And in what circumstances did -- You said the</p> <p>10 Government paid for you to be trained in firearms? Can</p> <p>11 you explain that a bit more?</p> <p>12 A. I worked as a contractor for the Government</p> <p>13 and, so, they had me train on specific weapon systems.</p> <p>14 Q. What years were the -- was this happening?</p> <p>15 A. You're going to have to not use a pronoun. I</p> <p>16 don't understand the question.</p> <p>17 Q. What years did you do contract work with the</p> <p>18 Government?</p> <p>19 A. '86. Right after 911, 2002. And I'm sure</p> <p>20 there were other things involved there.</p> <p>21 Q. And when you say you're sure there's other</p> <p>22 things involved there, what exactly --</p> <p>23 A. Well, I'm not --</p> <p>24 Q. -- do you mean?</p> <p>25 A. -- going to -- I'm not going to get into</p>

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1 anything that I signed a non-disclosure on, so --
 2 Q. Did you -- Did you sign a non-disclosure for
 3 your contract work with the U.S. Government?
 4 A. On many occasions.
 5 Q. What agency of the U.S. Government did you
 6 sign a non-disclosure --
 7 A. Not going to --
 8 Q. -- agreement?
 9 A. -- talk about -- Not going to talk about
 10 non- -- By Federal law, I'm not allowed to talk about
 11 things that I signed non-disclosures on, ma'am.
 12 Q. Can you identify the non-disclosure agreements
 13 you signed?
 14 A. I'm not going to talk about anything that I
 15 signed non-disclosures on. That's the reason for the
 16 non-disclosure. By Federal law I'm prohibited.
 17 Q. And, sir, I understand that it's your position
 18 that you don't want to talk about the subject matter of
 19 what the non-disclosure pertained to, but I'm trying to
 20 determine whether or not these non-disclosure agreements
 21 exist. What U.S. agencies were -- did you enter into
 22 these agreements with?
 23 A. United States Government.
 24 Q. Can you identify a particular agency?
 25 A. (No response.)

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1 Q. Are we talking about Department of Defense?
 2 Homeland Security?
 3 MR. DOWD: Mr. Andrews, if it's going to
 4 violate any of those non-disclosures, we can take
 5 that up with the judge and see what -- what you need
 6 to disclose.
 7 A. I have never seen a judge order me or anyone
 8 else to talk about something on an ND and I'm just not
 9 willing to do that because it's very clear in the Federal
 10 law I'm not supposed to, so we're not going to talk about
 11 that. We're not going to get into details of that.
 12 Q. Sir, what -- what Federal law are you
 13 referring to?
 14 A. I'll have Richard send that to you if you'd
 15 like to read it.
 16 MS. MCGOWAN: Well, Richard, this is an issue
 17 we should probably take up with the judge. We can
 18 come back to this perhaps another day.
 19 MR. DOWD: Yeah, I think that's what we need
 20 to do. I wasn't aware of -- of these issues, so,
 21 you know, we need to -- I'd have to get permission
 22 from Mr. Andrews to look at the documents and see
 23 what, you know, we would present to the judge.
 24 I don't -- I don't know, Mr. Andrews, if you
 25 can discuss, you know, the training you received

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1 under these programs or not. That's -- That's your
 2 call. You know more about it than I do. But we
 3 will take it up with the judge if you need us to.
 4 THE WITNESS: I don't think the training is
 5 significant to my opinions on this case. Like I
 6 said, it's more the science, the work experience,
 7 and the R&D that my companies have done that allow
 8 me to look at the evidence and understand it.
 9 (Questions by Ms. McGowan)
 10 Q. Mr. Andrews, what was the general nature of
 11 the work you were performing on behalf of the
 12 U.S. Government?
 13 A. Ma'am, with all due respect, I'm not going to
 14 talk about the work that I did for the Federal
 15 Government. It's just not going to happen in this type
 16 of trial or environment.
 17 MR. DOWD: We'll let the -- We'll let the
 18 judge decide all that, but if -- if you're -- if you
 19 can't answer the questions, then don't and we'll --
 20 we'll get it figured out.
 21 Q. Sir, did you enter into these contracts in
 22 your capacity as an individual or were you involved in
 23 this work in your capacity as an employee for another
 24 company?
 25 A. As probably in my -- in the capacity of my

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1 work for a company.
 2 Q. All right, and we went down this line of
 3 questioning because you had mentioned that you had
 4 training in I think you said dramatic education in
 5 firearms and you cited training that was provided to you
 6 in connection with contract work you had done with the
 7 U.S. Government. Are you referring -- Is there any other
 8 training you have done that would fall under that
 9 umbrella of dramatic education in firearms?
 10 A. I'm an NRA certified instructor in firearms,
 11 taken courses through the National Rifle Association.
 12 Q. I'm just unfamiliar with this term "dramatic
 13 education in firearms." What does that mean?
 14 A. Extensive training.
 15 Q. And --
 16 A. In --
 17 Q. -- why --
 18 A. Go ahead.
 19 Q. Go ahead. Sorry. Go ahead. "Dramatic
 20 education," is that a term of art? I'm just not familiar
 21 with it.
 22 A. It's just an adjective I chose, ma'am.
 23 Q. When did you take coursework through the NRA?
 24 A. Oh, probably in the late 1980s, probably again
 25 in the 1990s. I think the most recent course that I can

6 (Pages 18 to 21)

<p style="text-align: right;">Page 22</p> <p>1 recall is an instructor level course and range officer</p> <p>2 courses that I took at the Bench Rest Rifle Club</p> <p>3 around -- around 1999, 1997; somewhere in there.</p> <p>4 Q. And what was the subject matter of these</p> <p>5 courses?</p> <p>6 A. Safety with a variety of weapons. How to</p> <p>7 teach firearm skills, how to prepare course programs, how</p> <p>8 to run a safe range. All the fundamental things that</p> <p>9 certify you as an instructor and qualify you to teach</p> <p>10 firearm skills and safety.</p> <p>11 Q. What type of course programs were you learning</p> <p>12 about with the NRA?</p> <p>13 A. There's pistol, rifle, and then instructor</p> <p>14 level courses for all of those things and then range</p> <p>15 safety courses, what they call RSO training for range</p> <p>16 safety officers.</p> <p>17 Q. Any other courses that would fall under the</p> <p>18 umbrella of firearms training --</p> <p>19 A. Sure.</p> <p>20 Q. -- that you participated in?</p> <p>21 A. Sniper training at the Small Arms Training</p> <p>22 Academy, sniper training at Gunsite Training Center,</p> <p>23 sniper training at the Direct Action Resource Center, CQB</p> <p>24 training at the Direct Action Resource Center, CQB</p> <p>25 training at Gunsite, handgun training at Gunsite, edged</p>	<p style="text-align: right;">Page 24</p> <p>1 training; did I catch that?</p> <p>2 A. That is an acronym for close quarters battle.</p> <p>3 Q. And did you take the CQB training at the</p> <p>4 Direct Action Resource Center?</p> <p>5 A. Yes, I have, and also Gunsite.</p> <p>6 Q. Where is Gunsite located?</p> <p>7 A. It's in Paulden, Arizona.</p> <p>8 Q. And what is Gunsite?</p> <p>9 A. Gunsite Training Center is a large facility</p> <p>10 outside of Paulden, Arizona in the desert started by</p> <p>11 Colonel Jeff Cooper that trains Government assets and law</p> <p>12 enforcement and civilians in firearms and edge weapon</p> <p>13 skills.</p> <p>14 Q. Are any of these entities associated with any</p> <p>15 law enforcement agencies?</p> <p>16 A. They train law enforcement agencies.</p> <p>17 Q. Sure. Are they run or are they operated by</p> <p>18 any law enforcement agencies?</p> <p>19 A. No, but often they have very experienced</p> <p>20 retired law enforcement officers running their training</p> <p>21 programs.</p> <p>22 Q. And any of these entities, are they operated</p> <p>23 by a branch of the U.S. Government or any state</p> <p>24 government?</p> <p>25 A. My understanding is -- Well, I know the Small</p>
<p style="text-align: right;">Page 23</p> <p>1 weapons training at Gunsite. Comprehensive weapons</p> <p>2 training at Camp Peary, Virginia.</p> <p>3 Q. Any others?</p> <p>4 A. Not that I can recall at this time.</p> <p>5 Q. You mentioned the Small Arms Academy.</p> <p>6 Where --</p> <p>7 A. Small -- Small Arms Training Academy.</p> <p>8 Q. Where is that located?</p> <p>9 A. Gillette, Wyoming.</p> <p>10 Q. And what is that exactly?</p> <p>11 A. There was a police officer there named</p> <p>12 Dave Lauck who conducted, had his own training school</p> <p>13 there in Gillette, Wyoming.</p> <p>14 (Clarification by the reporter.)</p> <p>15 Q. And you also took training through the Direct</p> <p>16 Action Center?</p> <p>17 A. Direct Action Resource Center. It's in</p> <p>18 Arkansas.</p> <p>19 Q. And what is the Direct Action Resource Center?</p> <p>20 A. It's a place where Navy SEALs and Army Special</p> <p>21 Forces train and they have airplane fuselages and shoot</p> <p>22 houses and a thousand yard range to do comprehensive</p> <p>23 pistol, carbine, and long range training, teach people</p> <p>24 how to fast rope and other skills.</p> <p>25 Q. You mentioned that you participated in CQB</p>	<p style="text-align: right;">Page 25</p> <p>1 Arms Training Academy was owned and operated by a police</p> <p>2 officer. I know that the Gunsite Training Center was</p> <p>3 started by Colonel Jeff Cooper, a retired Army officer.</p> <p>4 And the Direct Action Resource Center was owned and</p> <p>5 operated by a Green Beret that retired.</p> <p>6 Q. So, these facilities are owned and operated by</p> <p>7 individuals; correct?</p> <p>8 A. Or companies. I think they -- I think, like,</p> <p>9 Gunsite has changed hands. I think a wealthy pharmacist</p> <p>10 from California bought Gunsite from Cooper years ago.</p> <p>11 So, they've -- they've -- they've changed hands over the</p> <p>12 years. I don't have all the information on that.</p> <p>13 Camp Peary is owned and operated by the</p> <p>14 Government.</p> <p>15 Q. Camp Peary, what is Camp Peary?</p> <p>16 A. Camp Peary is in Virginia. It's where we</p> <p>17 train our direct action intelligence assets, it's where</p> <p>18 we train our ambassadors and their staff on firearm</p> <p>19 skills.</p> <p>20 Q. And is Camp Peary -- what is it run by?</p> <p>21 A. What is it run? It's run by Government</p> <p>22 officials.</p> <p>23 Q. "Government officials," which Government</p> <p>24 officials?</p> <p>25 A. You know, I'm not sure if they're under the</p>

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1 State Department or if they're under the -- I think they
2 may be under the State Department at this point or they
3 may -- everything may -- you know, everything got rolled
4 under the Department of Homeland Security, a lot of
5 things did years ago, and, so, I'm not -- I'm not a
6 hundred percent on that.

7 Q. So, as you sit here today, you're not certain
8 whether or not Camp Peary is operated by a branch of the
9 U.S. Government?

10 A. I'm pretty sure it is operated by a branch of
11 the U.S. Government. I just don't know who it's
12 officially under these days because I haven't been there
13 for 30 years, so...

14 Q. What years did you train in Camp Peary?

15 A. '85, I believe. It's been -- It's been 35
16 years.

17 Q. And why were you training at Camp Peary?

18 A. Okay, now we're into an area that I'm not
19 going to get into. To get firearm skills is the answer.

20 Q. Okay. So, were you training at Camp Peary in
21 connection with contract work you were doing for the
22 U.S. Government?

23 A. I'm not going to answer that question, ma'am.

24 Q. Okay. Now, your training at the Small Arms
25 Training Academy, is that training that you sought out

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1 what's being recorded. I just --

2 MS. MCGOWAN: Okay.

3 VIDEOGRAPHER: -- want you to be conscious.

4 MS. MCGOWAN: I will stop share for the time
5 being, but we might go back to it.

6 VIDEOGRAPHER: Thank you.

7 (Questions by Ms. McGowan)

8 Q. Sir, do you still have copies of the
9 non-disclosure agreements you were referencing?

10 A. Don't keep copies of the non-disclosure
11 agreements.

12 Q. All right. If that was an issue we had to
13 take up before the judge, do you know where we could
14 obtain a copy of those agreements?

15 A. I would have no idea at this point in time.

16 Q. Okay. But it's your testimony that they
17 exist?

18 A. Yes.

19 Q. Can you tell me what years you entered into
20 those agreements?

21 A. I don't recall.

22 Q. Okay. Was this in the 1980s? 1990s?

23 A. Ma'am, it's -- it's difficult for me to
24 explain to you that I'm required by law not to discuss
25 non-disclosure agreements. I've said this now three

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1 and participated in in your own personal capacity? And I
2 can rephrase that if that's confusing.

3 A. No, it wasn't.

4 Q. Did you participate in the Small -- training
5 at the Small Arms Training Academy in connection with any
6 contract work you were doing with the U.S. Government?

7 A. Not going to answer that.

8 Q. Okay. Can you tell me if any of these
9 facilities we've been discussing, were these training
10 opportunities you sought out for your own personal
11 improvement, personal benefit?

12 A. The NRA courses I sought out.

13 Q. Did you pay to attend training at the Small
14 Arms Training Academy?

15 A. No.

16 Q. Did you pay to attend training at the Direct
17 Action Resource Center?

18 A. No.

19 Q. How about Gunsite in Arizona?

20 A. You know, that was so long ago, I don't
21 remember who wrote the checks or who paid.

22 VIDEOGRAPHER: Excuse me, counsel. Do you
23 mean to still be sharing your screen?

24 MS. MCGOWAN: I can close it if that helps.

25 VIDEOGRAPHER: I'm sorry. It's just that's

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1 times.

2 Q. And, sir, we -- I think we're entitled to
3 discover the document itself so we can make a
4 determination in this matter as to whether or not that
5 should shield you from having to provide this testimony.

6 Do you recall who -- Well, strike that.

7 MS. MCGOWAN: Richard, we'll follow up with a
8 written request.

9 MR. DOWD: That'll be fine.

10 MS. MCGOWAN: Thank you.

11 (Questions by Ms. McGowan)

12 Q. Sir, have you completed any academy training
13 with any police department or law enforcement agency?

14 A. No.

15 Q. Have you participated in any classroom
16 training for crime scene investigation?

17 A. No.

18 Q. Have you participated in any classroom
19 training involving ballistics?

20 A. Yes.

21 Q. Where is that, where did you take that?

22 A. Gunsite Training Center.

23 Q. What was the nature of that training?

24 A. It was -- It was a subsection of the sniper
25 training course.

8 (Pages 26 to 29)

<p style="text-align: right;">Page 30</p> <p>1 Q. What was the title of that subsection?</p> <p>2 A. External and Terminal Ballistics.</p> <p>3 Q. And what year would you have taken this</p> <p>4 course?</p> <p>5 A. I want to say the mid-1990s.</p> <p>6 Q. What does external ballistics refer to?</p> <p>7 A. External ballistics refers to the science of</p> <p>8 how bullets fly through the atmosphere on planet earth.</p> <p>9 Q. How long was this course?</p> <p>10 A. Several weeks.</p> <p>11 Q. This was done in the context of your sniper</p> <p>12 training course; correct?</p> <p>13 A. Yes.</p> <p>14 Q. And the sniper training course, was that a</p> <p>15 several week course?</p> <p>16 A. Yes.</p> <p>17 Q. How long was the subsection on external and</p> <p>18 terminal ballistics?</p> <p>19 A. Several days.</p> <p>20 Q. What does the phrase "terminal ballistics"</p> <p>21 refer to?</p> <p>22 A. Terminal ballistics refers to how bullets</p> <p>23 interact with media when they impact that medium.</p> <p>24 Q. Who taught this course?</p> <p>25 A. I believe Neil Terry was one of the</p>	<p style="text-align: right;">Page 32</p> <p>1 Neil Terry's wife, who was an instructor/sniper at the</p> <p>2 Department of Energy. That's my understanding of the</p> <p>3 origins of the course.</p> <p>4 Q. Did you rely upon that document in forming any</p> <p>5 of your opinions in this case?</p> <p>6 A. No.</p> <p>7 Q. Sir, have we covered all of your training with</p> <p>8 regard to firearms and ballistics?</p> <p>9 A. We haven't talked about the CQB or the handgun</p> <p>10 training or any of the training for manufacturing</p> <p>11 ammunition. We haven't talked about any of the training</p> <p>12 on optics, night vision, thermal. We haven't covered any</p> <p>13 of that. We'd be here for days if you want to talk about</p> <p>14 that, but I'm more than willing.</p> <p>15 Q. Okay. Did the close quarters battle training</p> <p>16 involve any research or training concerning crime scene</p> <p>17 investigation?</p> <p>18 A. Not directly, but there's a lot of things that</p> <p>19 apply to external and terminal ballistics in crime scene</p> <p>20 investigation.</p> <p>21 Q. What are those topics?</p> <p>22 A. Lanes of fire, trajectory angles, appropriate</p> <p>23 places to target a threat, the way various projectiles,</p> <p>24 bonded hollow point, soft point penetrate walls, windows,</p> <p>25 human flesh, body armor. There's a lot of significant</p>
<p style="text-align: right;">Page 31</p> <p>1 instructors there.</p> <p>2 (Clarification by the reporter.)</p> <p>3 Q. Did Mr. Terry teach the portion related to</p> <p>4 external and terminal ballistics?</p> <p>5 A. I believe he did.</p> <p>6 Q. What is Mr. Terry's background?</p> <p>7 A. He's a three-time World Sniper Champion. He</p> <p>8 was a SWAT officer for Albuquerque SWAT for over 20</p> <p>9 years. He then took a job as the Chief Sniper Instructor</p> <p>10 for the Department of Energy, the group that guards our</p> <p>11 nuclear power plants.</p> <p>12 Q. To your knowledge, did Mr. Terry, prior to</p> <p>13 teaching this course, did he have any training in crime</p> <p>14 scene investigation?</p> <p>15 A. He was a police officer. I'm sure he did.</p> <p>16 Q. Did he have experience working in a crime</p> <p>17 laboratory?</p> <p>18 A. I couldn't answer that. I would only</p> <p>19 speculate.</p> <p>20 Q. Do you have any materials, any handouts, any</p> <p>21 outlines, workbooks, textbooks from this sniper training</p> <p>22 that you took in -- in the nineties?</p> <p>23 A. I do. I probably still have a copy of the</p> <p>24 course material. It's basically the same course that the</p> <p>25 Department of Energy snipers take. It was written by</p>	<p style="text-align: right;">Page 33</p> <p>1 terminal and -- and angular things that apply to a crime</p> <p>2 scene investigation in that type of training. It's quite</p> <p>3 valuable, actually.</p> <p>4 Q. That training, was that intended for</p> <p>5 individuals who were going to be working on -- in police</p> <p>6 departments or on SWAT teams?</p> <p>7 A. Yes, it -- it's more for SWAT teams than</p> <p>8 standard police. Policemen, standard policemen, don't</p> <p>9 get that kind -- that level of specialized training. It</p> <p>10 has more to do with entry work and working from rooms and</p> <p>11 building to building.</p> <p>12 Q. And just briefly your training involving</p> <p>13 handguns, did that have any crime scene investigation</p> <p>14 component?</p> <p>15 A. Yes, some components on -- on risk and threat</p> <p>16 assessment and proper firing sequences in various threat</p> <p>17 situations.</p> <p>18 Q. Can you describe the relationship between what</p> <p>19 you described as risk, threat assessment, and crime scene</p> <p>20 investigation?</p> <p>21 A. Could you rephrase the question, please? I'm</p> <p>22 not -- Is it a compound que- -- I'm not sure I understand</p> <p>23 what you're asking.</p> <p>24 Q. Here, let -- let's try this. You had</p> <p>25 mentioned that one of the topics you studied in the</p>

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<p>1 course of taking handgun training was the risk. What did 2 you mean by that?</p> <p>3 A. So, part of what you learn in that type of 4 training is when it's appropriate to shoot and when it's 5 not appropriate to shoot and that's based on a number of 6 things; time, distance, cover, risk. And, so, you're 7 given thresholds that must be exceeded before you can use 8 lethal force and, so, it's -- it -- it interplays with -- 9 with the interaction of assessing the threat, the 10 immediate action to the threat, and whether or not you 11 have a legal foundation to respond with lethal force.</p> <p>12 Q. These are use of force type concepts?</p> <p>13 A. Partially, yes.</p> <p>14 Q. How does that relate to crime scene 15 investigation?</p> <p>16 A. So, if you're shooting at someone who -- who 17 has a weapon pointed at you who's a legitimate threat and 18 they're standing across the room from you and you're 19 shooting at them and the bullets overpenetrate and exit 20 the threat and hit the walls three feet above the ground, 21 that is generally considered a legitimate threat. If 22 you're shooting down at someone who's incapacitated on 23 the ground, then that is not considered a legitimate 24 threat necessarily. It's considered something else.</p> <p>25 Q. And did you have any hands-on crime scene</p>	<p>1 A. I don't. It was years ago.</p> <p>2 Q. And I'm sorry, again, what years were you 3 taking training at Gunsite?</p> <p>4 A. I think it was in the mid-nineties.</p> <p>5 Q. And then you also mentioned that you have 6 previously taking -- taken training relating to 7 ammunition?</p> <p>8 A. Yes.</p> <p>9 Q. Okay, what training were you referring to 10 there?</p> <p>11 A. Well, there's a company called Powell River 12 Laboratories in Oak Ridge, Tennessee. It's owned and 13 operated by Harold F. Beal, B-e-a-l.</p> <p>14 Q. And you took ammunition training through 15 Powell River Laboratories?</p> <p>16 A. Yes.</p> <p>17 Q. All right, what -- what did that entail?</p> <p>18 A. Powell River Laboratories developed the 19 powdered tungsten bullets that the Navy SEALs use and 20 that the Secret Service uses to guard the president and I 21 was trained in their manufacturing procedures and I was 22 trained there in their ballistics procedures, testing 23 procedures, both external and terminal, and then I was 24 hired to work as a consulting engineer on the weapon 25 systems to shoot these powdered tungsten bullets for</p>
Page 35	Page 37
<p>1 investigation training in the context of these handgun 2 training courses?</p> <p>3 A. Specifically analyzing bullets, bullets -- 4 bullet paths, wound ballistics, yes.</p> <p>5 Q. How about evidence collection, was evidence 6 collection a topic covered in any of the handgun training 7 courses you participated in?</p> <p>8 A. We did talk about preserving evidence and how 9 not to taint evidence.</p> <p>10 Q. Okay. And where was that coursework or 11 training taken?</p> <p>12 A. Gunsite.</p> <p>13 Q. Who taught the evidence collection component?</p> <p>14 A. It was a state trooper from California, I 15 believe.</p> <p>16 Q. In what context was that information 17 presented?</p> <p>18 A. I guess in the context of preserving evidence 19 and -- and achieving accurate results.</p> <p>20 Q. Okay. And why was that -- who was that class 21 geared to, who attended that class?</p> <p>22 A. People working for the Government. Law 23 enforcement officers were the bulk of the class.</p> <p>24 Q. And the presentation was given by a state 25 trooper. Do you remember his or her name?</p>	<p>1 research and development.</p> <p>2 Q. I think we'll come back to Powell River 3 Laboratories.</p> <p>4 Okay, do you possess any licensure?</p> <p>5 A. In the weapons arena?</p> <p>6 Q. Just any licenses.</p> <p>7 A. I have a Federal firearms license, a Type 07 8 manufacturing license. I have a Class 2 SOT that allows 9 me Federally to manufacture suppressors and machine guns 10 and just about any weapon other than a nuclear device.</p> <p>11 Q. All right, let's -- Type 07, can you 12 describe -- can you describe that one more time? I just 13 didn't catch it.</p> <p>14 A. Type 07 is a manufacturing FFL. It allows you 15 to originate serial numbers and to manufacture original 16 weapons and it also gives you the privileges of a 17 firearms dealer, which allow you to sell them.</p> <p>18 Q. What agency issues those licenses?</p> <p>19 A. The Bureau of Alcohol, Tobacco and Firearms.</p> <p>20 Q. And the Class 2 license, did you say Class 2 21 SOT?</p> <p>22 A. Type 07, Class 2 is the proper designation.</p> <p>23 Q. So, that is one and the same?</p> <p>24 A. No, they're different licenses and I pay 25 different amounts of money for both those licenses.</p>

<p>Page 38</p> <p>1 Q. What was the process for applying for and 2 obtaining those licenses? 3 A. There's a long application that you fill out 4 for the ATF and you send them a big check and they do an 5 extensive background check on you and then they -- they 6 mail you your license. 7 Q. And what year did you obtain the Type 07? 8 A. Well, I most recently renewed it in 2018, but 9 I've held those licenses for -- for over -- over a decade 10 and I've worked for licensees for over three decades in 11 the weapons arena, so... 12 Q. How long have you held the Class 2 SOT? 13 And -- 14 A. I got it -- 15 Q. -- correct me -- 16 A. -- the -- 17 Q. -- if I -- 18 A. -- the same time I got the FFL. And SOT 19 stands for special occupational tax. 20 Q. And I'm sorry, what was the first year you 21 were issued the Type 07 and the -- and the Class 2? 22 A. Well, under the current company, I believe 23 2011 was when I made application. 24 Q. And when were you issued the license? 25 A. Probably that same year, within six months.</p>	<p>Page 40</p> <p>1 Q. And did those discussions include details 2 concerning black ops work for the Federal Government? 3 A. I don't recall those conversations, ma'am. 4 They happened decades ago. 5 Q. Okay. 6 A. I have no recollection of the exact wording of 7 the conversations or what was discussed. 8 Q. And did the subject matter of any of those 9 conversations include work you had done that is covered 10 by the non-disclosure agreements that you're referencing 11 today? 12 A. My memory is not that good, ma'am. I'm sorry. 13 Q. All right, I'm going to pull back up the C.V. 14 that we were looking at before. All right. Does 15 everyone see Exhibit A on the screen? 16 A. I now see it. 17 Q. All right. And, sir, before we move on, is 18 this an accurate and up-to-date version of your C.V.? 19 And I can scroll through. 20 A. As best as I recall. 21 MR. DOWD: I'm going to object to the question 22 as being overly broad and vague. If you have 23 something specific with regard to the -- the 24 curriculum vitae. 25 Q. Well, sir, I note that the C.V. underneath the</p>
<p>Page 39</p> <p>1 Q. So, you've discussed two Federal licenses. 2 Did I miss anything, was there a third? 3 A. For the company Tier One Weapons, no, just 4 those two. 5 Q. Do you possess any other licenses, 6 professional licenses? 7 A. I have a driver's license, but that's not a 8 professional license. I have racing licenses. The 9 motorcycle racing license I had was a professional 10 license. 11 Q. You're not a Professional Engineer, for 12 example, you don't hold an engineering license in the 13 state of Missouri? 14 A. I don't. 15 Q. Have you completed or is it true that you have 16 not completed the FBI's ATF National Firearms Examiner 17 Academy? 18 A. I have not completed that course. Have no 19 interest in it. 20 Q. And before we move on, sir, did you ever tell 21 any City of St. Louis police officers that you did black 22 ops work for the Federal Government? 23 A. Jerome Klipfel, Sergeant Jerome Klipfel and 24 Lieutenant Bob Cooney I've had extensive discussions with 25 about my background, which is why they hired me.</p>	<p>Page 41</p> <p>1 header indicates that it is from 2019. Did you have a 2 more current version of the C.V.? 3 A. No, ma'am, I don't do C.V.s unless someone 4 requests it. 5 Q. And did you prepare this C.V. in connection 6 with your testimony in this case? 7 A. I prepared this C.V. at the request of the 8 Dowd law firm. 9 Q. Okay, in connection with the Torres matter; is 10 that true? 11 A. There were several cases that they're looking 12 at. Torres was one of them. 13 Q. Sir, where are you currently employed? 14 A. I -- I don't work for someone else. I'm 15 self-employed. 16 Q. What do you do to earn an income? 17 A. I train military and SWAT and police personnel 18 and civilians and I sell and manufacture rifles and 19 ammunition. Two different companies that I make money 20 through. 21 Q. All right. Let's start taking a look at your 22 C.V. You state that you managed -- from 2003 to the 23 present, you managed multiple firearms manufacturing, 24 training, and engineering consulting companies. Let's 25 start with Freedom Center USA, LLC. What is that?</p>

<p style="text-align: right;">Page 42</p> <p>1 A. That is a thousand yard rifle range and 2 training center where there are handgun ranges, rifle 3 ranges where we conduct training, specialized training in 4 firearms. 5 Q. All right. What kind of training do you 6 provide? 7 A. So, we teach long range courses for snipers, 8 SWAT snipers and military snipers. We teach hard target 9 interdiction courses. We teach military and SWAT 10 personnel how to stop trucks from helicopters, shooting 11 from helicopters. We teach concealed carry training to 12 civilians. We teach basic, enhanced, and advanced 13 handgun, basic, enhanced, and advanced carbine courses, 14 and we teach night combat courses where you learn how to 15 integrate night vision and thermal weapon sights into 16 your combat regimen. 17 Q. Sir, what type of insurance policies do you 18 have to cover the activities of that facility? 19 A. We have a \$2 million liability policy through 20 a company called Secura. 21 Q. I'm sorry, could you -- could you spell that 22 for me? 23 A. S-e-c-u-r-a. 24 MR. DOWD: I'm going to -- I'm going to object 25 and move to strike all of that as being totally</p>	<p style="text-align: right;">Page 44</p> <p>1 long range precision rifle; we offer hard target 2 interdiction precision rifle; we offer basic handgun; we 3 offer enhanced handgun; we offer advanced combat handgun; 4 we offer basic carbine; we offer enhanced carbine; we 5 offer advanced urban vehicle tactical carbine; we offer 6 advanced carbine 2, advanced carbine 3, and advanced 7 night combat; and we offer field craft training and we 8 offer first aid training and we offer concealed carry 9 training and we offer ammunition manufacturing training 10 courses. 11 Q. Do you have any pamphlets or brochures that 12 describe these training courses? 13 A. We have course curriculum like a notebook that 14 has the course material that we give our students. 15 Q. How many instructors do you have currently? 16 A. Well, this year we've probably had 12 17 different instructors come and teach. 18 Q. Did you offer any coursework on crime scene 19 investigation? 20 A. No. 21 Q. Any coursework on evidence collection? 22 A. No. 23 Q. So, is it true that your work with Freedom 24 Center USA doesn't involve any instruction on how to 25 reconstruct a shooting death scene?</p>
<p style="text-align: right;">Page 43</p> <p>1 irrelevant with regard to the insurance issue. 2 Q. And, sir, where is Secura located; do you 3 know? 4 A. I'd -- I'd have to find a bill. You know, I 5 only -- I only look at the company name when I send 6 their -- I know -- I know the agent that I use is in 7 Chesterfield. His name's Scott Wilson. And I know that 8 there's an office in St. Louis and I also know that I 9 send my bill someplace other than Missouri when I pay my 10 insurance premium. 11 Q. Now, what is your role at Freedom Center, LLC? 12 A. I'm the Manager. 13 Q. Do you employ any staff? 14 A. We bring in contract instructors, so "employ" 15 would not be the correct word. 16 Q. All right, you mentioned that you provide -- 17 Do you have or does Freedom Center have any contracts 18 with any law enforcement agencies? 19 A. We don't have open contracts. We have law 20 enforcement agents come and train and they pay by the 21 class. 22 Q. How much do you -- What -- What classes do you 23 offer? 24 A. Okay, I'll list them again. We offer 25 beginning long range precision rifle; we offer advanced</p>	<p style="text-align: right;">Page 45</p> <p>1 A. Can you repeat the question 'cause your sound 2 blanked out, I'm sorry? 3 Q. Sure. Does your coursework at Freedom Center 4 include any instruction on how to recreate a shooting 5 death scene? 6 A. How to recreate a shooting -- 7 Q. Or -- 8 A. -- death scene? 9 Q. -- reconstruct. Shooting reconstruction. 10 A. Some of our courses overlap in shooting 11 reconstruction, particularly in the external and terminal 12 ballistics areas. 13 Q. And when you say they overlap, what exactly do 14 you mean by that; can you break that down? 15 A. Well, part of shooting reconstruction is 16 external and terminal ballistics analysis and we cover 17 that, some of those topics, extensively in several of our 18 courses. 19 Q. What -- Where do you perform that -- that 20 work, that training, physically where does that occur? 21 A. At the Freedom Center in Lebanon, Missouri. 22 Q. Correct, but is it indoors? Outdoors? 23 A. Both. We have a classroom and we have 24 external ranges where we conduct live-fire and training 25 exercises.</p>

<p style="text-align: right;">Page 46</p> <p>1 Q. Do you actually instruct students on how to 2 recon- -- reconstruct a shooting scene? 3 A. We do parts of it. Like I said, there's some 4 overlap. Like the trajectory and the terminal ballistics 5 parts, we definitely teach that. 6 Q. And did -- 7 A. And it's -- 8 Q. -- you have -- 9 A. It's useful not just in crime reconstruction, 10 it's useful in saving your own life. 11 Q. Do you have any course materials on that 12 topic? 13 A. Which topic? 14 Q. On shooting scene construction. 15 A. No, like I said, we have pieces of that that 16 overlap with shooting scene construction. 17 Q. Do you have a course titled, "Shooting Scene 18 Reconstruction"? 19 A. You asked me that question, I answered it. 20 Q. The answer was no; correct? 21 A. The answer is no, ma'am. 22 Q. How much do you charge for your courses? 23 A. Daily handgun course is \$150. Our two-day 24 carbine courses are \$420. Our three-day advanced carbine 25 courses are \$560. Our advanced and sniper training</p>	<p style="text-align: right;">Page 48</p> <p>1 Instructor, also teaches. 2 (Clarification by the reporter.) 3 A. Retired Lake St. Louis -- Lake St. Louis 4 City -- City of Lake St. Louis officer. He did 20 -- 5 almost 20 years at St. Ann and then another five to seven 6 at Lake St. Louis. And he's an NRA certified sniper 7 instructor for law enforcement. 8 Q. Who else are your contract instructors at 9 Freedom Center? 10 A. Well, this year we've had a Green Beret named 11 John Moore. We've had -- 12 Q. And -- 13 A. -- a Counter-terrorist Security Specialist 14 Marine named Brandon Rapolla. We have a current U.S. 15 Army sniper named James Luke Hallaway. We've had -- 16 Q. How -- How do you spell Callaway? 17 A. It's H, ma'am, H-a-l-l, H, as in hotel, 18 H-a-l-l-a-w-a-y. We've had a SEAL Team Six, Gold 22-year 19 Navy Special Forces Operator named Timmy Moore. We've 20 had a FAST company Marine Master Gunnery Sergeant Mark. 21 I'm trying to think of his last name. I don't recall it. 22 And then we have James Pagliano. They're all Camp Peary 23 instructors. They've taught out here this year. 24 Q. Are any of your courses POST certified? 25 A. Our law enforcement sniper instructor course</p>
<p style="text-align: right;">Page 47</p> <p>1 courses are usually four to five hundred dollars 2 depending on the type of course. 3 Q. Are you saying "carving," c-a-v -- 4 A. It's Charlie -- Charlie Alpha Romeo Bravo 5 Indigo Nevada Echo. 6 Q. What is that? Can you describe what the 7 subject matter is? 8 A. A carbine? 9 Q. Yes. 10 A. So, a pistol is a -- is a semi-auto handgun 11 that cycles one round through and out the barrel with one 12 pull of the trigger. A carbine is a compact, 13 short-barreled rifle that's used for CQB work or for home 14 defense or for SWAT team work in -- in and around urban 15 environments. And a rifle or what we call the long guns 16 are used for precision work to shoot from, say, 300 to 17 3,000 yards depending on the weapons system and the 18 training of the shooter. 19 Q. And who teaches that course? 20 A. Which course? 21 Q. The course you were just describing. 22 A. The long range courses? 23 Q. Sure. 24 A. I teach the long range courses and 25 Don Muschany, a Certified Law Enforcement Sniper</p>	<p style="text-align: right;">Page 49</p> <p>1 is POST certified. Actually, St. Louis City Police 2 Officer Jerome Klipfel submitted it for certification 3 back in the early 2000s. 4 Q. Okay. I'm going to direct your attention now 5 to a document that was previously marked Exhibit E. 6 Apologies, one minute while I get there. 7 Sir, can you see the document that I pulled up 8 on my screen? 9 A. Yes. 10 Q. Okay. And do you recognize this document? 11 A. I do. 12 Q. Okay. Do you recognize this as a Statement of 13 Resignation of a Registered Agent for the Freedom Center 14 USA, LLC? 15 A. Yes. 16 Q. Okay. And, sir, when was Freedom Center USA, 17 when did you register this company with the State of 18 Missouri? 19 A. I think it was in 2017, early in 2017. 20 Q. Okay. Who is Jill Burns? 21 A. Jill Burns was one of the original investors 22 and she got cancer or something behind her eyeballs 23 and -- and decided that she wouldn't be able to uphold 24 her duties that she had committed to with the Freedom 25 Center and, so, we allowed her to withdraw from her</p>

<p style="text-align: right;">Page 50</p> <p>1 responsibilities at the Freedom Center and we gave her 2 her investment money back. 3 Q. And -- Apologies. And if you can bear with me 4 one moment, apologies. 5 All right, sir, I'm going to direct your 6 attention now to a document that was previously marked 7 Exhibit D. All right. Do you recognize this document? 8 A. Yes. 9 Q. Okay, and what is it? 10 A. I believe there were things that needed to be 11 filed in a timely way, and when Jill resigned, I think 12 they mailed stuff to her that she didn't respond to, so 13 we had to have everything reinstated. 14 Q. And this document indicates that you are the 15 Managing Member of Freedom Center USA, LLC; is that 16 accurate? 17 A. Yes. 18 Q. Okay. I'm going to set that aside for now. 19 Right before we began looking at Exhibits D and E, you 20 mentioned that -- I thought you mentioned that Freedom 21 Center had a course that was POST certified; did I 22 understand you correctly? 23 A. We teach a POST certified sniper course. 24 Q. And what is the name of that course? 25 A. Precision Rifle 1.</p>	<p style="text-align: right;">Page 52</p> <p>1 Q. And what specific document would I ask for if 2 I were attempting to get that document? 3 A. Sergeant Klipfel trained six St. Louis City 4 Police snipers through one of my courses and he took the 5 course material and submitted it to POST and got it 6 certified, so I would ask him for the POST certification 7 for the sniper training that six of his officers went 8 through around the year 2000, 2002; somewhere in there. 9 Q. Okay, and I may -- 10 A. He'll know what -- He'll know what you're 11 talking about when you mention those things. 12 Q. You mentioned a company named A.M. & P.M.? 13 A. Yes. 14 Q. What kind of business is that? 15 A. That was a consulting business that we did 16 political consulting and work for the Department of 17 Defense. 18 Q. When you say "we," who are you referring to? 19 A. Paul Matteucci and I. 20 Q. And how do you spell his last name? 21 A. Oh, wow. I'm going to guess 22 M-a-t-t-e-u-c-c-i. 23 Q. And what years were you and Paul Matteucci 24 involved with A.M. & P.M.? 25 A. I want to say I clearly remember doing things</p>
<p style="text-align: right;">Page 51</p> <p>1 Q. Do you have any documentation indicating that 2 that's POST certified? 3 A. You know, I probably do somewhere, but it was 4 certified, you know, over 20 years ago, so if I don't 5 have a copy, I can probably get a copy from 6 Sergeant Jerome Klipfel, the St. Louis City Police 7 Department. 8 Q. And, sir, I guess I'm confused because you 9 testified earlier that the Freedom Center USA was 10 incorporated in 2017; did I -- 11 A. Yes. 12 Q. -- understand that -- 13 A. Yes. 14 Q. -- right? So, when you say that the course 15 was certified in 2002, what course are you referring to, 16 with what entity? 17 A. Well, originally the course was certified 18 under another company that I owned. I believe it was 19 either A.M. & P.M. or A.R. Tactical and I don't remember 20 which, but it was important to St. Louis City PD when I 21 trained six of their snipers that they get POST 22 certification credit for their training and, so, Jerome 23 pushed the paperwork through and got it certified. I'm 24 sure you could get a copy from Sergeant Klipfel if you 25 want to look at it.</p>	<p style="text-align: right;">Page 53</p> <p>1 from 1999 through 2004. 2 Q. And what was the nature of that work? You 3 said political consulting. Can you give me a little bit 4 more detail? 5 A. Yeah, I think Paul ran some political 6 campaigns through that company and we did contracting 7 work for the Department of Defense through that 8 corporation. 9 Q. What kind of contract work for the Department 10 of Defense? 11 A. Strategic planning and other projects that I'm 12 not going to get into. 13 Q. All right. "Strategic planning," what -- what 14 exactly do you mean by that? 15 A. So, I think it was Major General 16 Hollingsworth, Bobby G. Hollingsworth, had hired us to go 17 to D.C. and do some strategic planning for Department of 18 the Army. Bush appointed a Marine Corps general to ESDR 19 to clean up a mess there and he hired me to do an 20 investigation through A.M. & P.M. and then subsequently 21 hired me to do strategic planning for other elements of 22 the reserve component forces. 23 Q. And can you describe the general nature of the 24 strategic planning you're describing? 25 A. Yeah, in a strategic planning process, you go</p>

<p style="text-align: right;">Page 54</p> <p>1 through an external environment analysis for whatever 2 group you're working with and then you go through an 3 internal environment analysis and then you develop a 4 strategy based on the input of the members involved in 5 the strategic planning process, and then from that, 6 policies, prote- -- and procedures, tactics, techniques 7 and procedures precipitate from that planning process. 8 And then if you're smart, you go through a closed-loop 9 system where you do that on a regular basis and that is 10 sort of the steering wheel for steering the ship of the 11 organization that you're involved with. 12 Q. Right. You've described -- said a lot there. 13 What exactly was -- What was the end goal of your work 14 for the Department of Defense, what was the end product? 15 A. Well, one element that I can talk about was -- 16 that precipitated one of the strategic planning sessions 17 was right after 911, Department of Defense was having a 18 huge problem with reserve component forces voting with 19 their boots and leaving the military and it left huge 20 manpower gaps in our reserve component forces, so a 21 strategic planning summit was convened at Naval Air 22 Station Coronado in 2002-2003 time frame to -- for the 23 reserve component forces of Great Britain, Canada, and 24 Australia and the U.S. and they sent their two- and 25 three-star representatives of their reserve component</p>	<p style="text-align: right;">Page 56</p> <p>1 the managing person -- 2 A. Paul -- 3 Q. -- with -- 4 A. Paul Matteucci. 5 Q. Okay. Were you a partner or a manager in this 6 entity? 7 A. I was hired and paid by A.M. & P.M. 8 Q. Okay. 9 A. And I -- And I managed the strategic planning 10 site. 11 Q. Were you a full-time employee or were you 12 doing contract work? 13 A. Doing contract work full time for -- for 14 almost six months in Washington, D.C. 15 Q. And what year was that? 16 A. I want to say right after 911, so probably mid 17 to late 2002. 18 Q. Do you have a copy of your contract with 19 A.M. & P.M.? 20 A. No, but I'm sure that's a matter of record. 21 You can look at the DOD numbers and look it up. 22 Q. Do you have a reference number to provide me? 23 A. I don't. That was almost 18 years ago, ma'am, 24 I'm sorry. I've moved on from that. 25 Q. And at the beginning of discussing</p>
<p style="text-align: right;">Page 55</p> <p>1 forces to Coronado and we had a strategic planning summit 2 on how to modify the policies within reserve component 3 management to keep people from leaving and voting with 4 their boots. One of the issues was the adversarial 5 relationship state and city governments had with our Army 6 reservists and guardsmen and, so, one of the things that 7 precipitated from that strategic planning session was a 8 plan and a strategy to convince corporate leadership to 9 have their personnel departments write policies into 10 their corporate personnel policy handbook that were 11 conducive to guard and reserve service instead of 12 adversarial to that. 13 Q. Did your work with A.M. & P.M. involve crime 14 scene investigation? 15 A. Yeah, it did. 16 Q. Can you describe that? 17 A. There was big problems with the way the money 18 was being spent at employer support for guard and reserve 19 and I am the one that handled the investigation of that 20 and we under -- we uncovered money being misspent with 21 the Ad Council and money being misspent with Booz Allen 22 Hamilton. 23 Q. What kind of entity is A.M. & P.M.? 24 A. It was a Missouri corporation. 25 Q. And who -- who was the registered -- who is</p>	<p style="text-align: right;">Page 57</p> <p>1 A.M. & P.M., you indicated you did work with them from 2 two thou -- I'm sorry -- 1999 through 2004. Aside from 3 the contract work you said you performed in D.C., what 4 other types of work did you perform with A.M. & P.M.? 5 A. You know, I -- I recall doing some strategic 6 planning for a U.S. House of Representatives candidate 7 named Bill Federer that ran against Dick Gephardt. 8 Q. What was the address of A.M. & P.M.? 9 A. I can't recall that. I think they're in 10 Wildwood. 11 Q. Does -- And I apologize, I'm going to botch 12 his name. Does Mr. Machetti (sic) -- 13 A. Matteucci. 14 Q. -- Matteucci, does he still live in the 15 St. Louis area? 16 A. I have no idea. I haven't spoken to 17 Mr. Matteucci in over 12 years. 18 Q. Turning your attention back to your C.V., you 19 also list A.R. Tactical. What is A.R. Tactical? 20 A. A.R. Tactical was a research and development 21 company that also did training. For example, like we did 22 a significant amount of training for the St. Louis City 23 Police SWAT team in the early 2000s. 24 Q. What kind of entity is A.R. Tactical or was 25 A.R. Tactical?</p>

<p style="text-align: right;">Page 58</p> <p>1 A. I'm not sure I understand. It was --</p> <p>2 Q. Huh?</p> <p>3 A. It was a -- It was a privately held company,</p> <p>4 if that's what you're asking.</p> <p>5 Q. All right, sir, I'm going to pull up another</p> <p>6 document here. Okay. I am showing you what has been</p> <p>7 previously marked as Exhibit F. Sir, do you recognize</p> <p>8 this document?</p> <p>9 A. I do.</p> <p>10 Q. Okay, and do you recognize this as the</p> <p>11 Articles of Organization for A.R. Tactical, LLC?</p> <p>12 A. I do. I think the attorney that filed them</p> <p>13 was Thomas John Barklage.</p> <p>14 Q. And it looks like these Articles of</p> <p>15 Organization were filed with the Missouri Secretary of</p> <p>16 State in 2002; do I have that correct?</p> <p>17 A. It looks like it on the form, yes, ma'am.</p> <p>18 Q. Okay. And were you a Managing Agent for</p> <p>19 A.R. Tactical?</p> <p>20 A. Yes.</p> <p>21 Q. All right, and it appears that you were listed</p> <p>22 as a Registered Agent as well with an address listed of</p> <p>23 1137 Highway 109, Wildwood, Missouri. Is --</p> <p>24 A. Hey, there's my -- there's my address I</p> <p>25 couldn't remember.</p>	<p style="text-align: right;">Page 60</p> <p>1 would -- it would shield him from any liability.</p> <p>2 Q. What is that person's name?</p> <p>3 A. Brian Rull.</p> <p>4 Q. How does he spell his last name?</p> <p>5 A. R-u-l-l.</p> <p>6 Q. And what state was it incorporated or</p> <p>7 registered in?</p> <p>8 A. Missouri, I believe. Brian did the paperwork,</p> <p>9 so he would be the expert on that.</p> <p>10 Q. When you say the company manufactured weapons,</p> <p>11 what weapons are you referring to, what did you</p> <p>12 manufacture?</p> <p>13 A. Well, we made six sniper weapon systems for</p> <p>14 St. Louis City PD, semi-auto AR-10 variants in .308.</p> <p>15 Q. All right, and you said that you made sniper</p> <p>16 weapon systems. What exactly do you mean by that,</p> <p>17 "weapon systems"?</p> <p>18 A. Well, weapon system consists of the rifle</p> <p>19 itself, the support systems, the optics, the care and --</p> <p>20 and training and the training of the operator and the</p> <p>21 ammunition. They all work together.</p> <p>22 Q. What type of rifles were involved?</p> <p>23 A. Ma'am, I just told you they're sniper weapon</p> <p>24 systems on an AR-10 platform.</p> <p>25 Q. Can you give me the make and model of this</p>
<p style="text-align: right;">Page 59</p> <p>1 Q. And A.R. Tactical was an LLC; correct?</p> <p>2 A. Not originally. In 1998, '97, I think I</p> <p>3 started a sole proprietorship and then we went to an LLC</p> <p>4 when we started doing significantly more training because</p> <p>5 of the liability issue of the training.</p> <p>6 Q. Is A.R. Tactical a going concern?</p> <p>7 A. No. No, once the -- once the law enforcement</p> <p>8 training came to an end, we dissolved the company and we</p> <p>9 went to a different type of organization.</p> <p>10 Q. All right, I want to talk to you now about</p> <p>11 another company that you have listed in your C.V., Tier</p> <p>12 One Systems.</p> <p>13 A. Tier One Weapon Systems.</p> <p>14 Q. Yes, what is that?</p> <p>15 A. That is the company that manufactures the</p> <p>16 rifles and the ammunition and does -- sells guns and</p> <p>17 optics and ammunition.</p> <p>18 Q. All right. And what is -- what type of</p> <p>19 company is Tier One Weapon Systems?</p> <p>20 A. It's a sole proprietorship now. It used to be</p> <p>21 an LLC.</p> <p>22 Q. All right, why is it no longer a LLC?</p> <p>23 A. The original attorney and I that formed the</p> <p>24 company, we wanted to change the nature of it so that he</p> <p>25 could move on and do other things and then -- and then it</p>	<p style="text-align: right;">Page 61</p> <p>1 rifle?</p> <p>2 A. Well, they -- they were made by Tier One</p> <p>3 Weapon Systems, okay?</p> <p>4 Q. Who --</p> <p>5 A. My company --</p> <p>6 Q. Tier One?</p> <p>7 A. My company made them. We manufactured them</p> <p>8 under our Federal license.</p> <p>9 Q. Where were your manufacturing facilities</p> <p>10 located?</p> <p>11 A. In Eureka at two-two --</p> <p>12 Q. Do you have a --</p> <p>13 A. -- three Thresher Drive.</p> <p>14 Q. How many employees did you employ?</p> <p>15 A. Are you say- -- Well, different -- different</p> <p>16 numbers of people work there at different times. I'm not</p> <p>17 sure I know exactly how to answer that question.</p> <p>18 Q. Sure, no, that's fair. What years did Tier</p> <p>19 One Weapon Systems manufacture rifles?</p> <p>20 A. Well, we're currently doing that. We've been</p> <p>21 doing it since 2011, roughly.</p> <p>22 Q. All right, how many employees do you currently</p> <p>23 have?</p> <p>24 A. We don't -- We don't use employees. We use</p> <p>25 contractors, ma'am.</p>

<p style="text-align: right;">Page 62</p> <p>1 Q. How many contractors do you currently have?</p> <p>2 A. Oh, all told, there's right now we probably --</p> <p>3 I probably have two or three people that I use part-time.</p> <p>4 Q. Do you manufacture all components of the</p> <p>5 rifles you're describing?</p> <p>6 A. We do the barrels on the sniper weapon systems</p> <p>7 because that's the most critical component. Sometimes</p> <p>8 we'll buy the bolts. Sometimes we'll buy -- like we buy</p> <p>9 the carbon fiber forearms from a company called Precision</p> <p>10 Reflex. But the barrel is the main thing that we make in</p> <p>11 our facility because it's the most critical component for</p> <p>12 accuracy.</p> <p>13 Q. Are your contract employees full or part-time?</p> <p>14 A. Part-time.</p> <p>15 Q. What manufacturing processes are involved in</p> <p>16 the manufacture of the barrels?</p> <p>17 A. So, there's -- there's several different</p> <p>18 processes. There is the machining of the contouring of</p> <p>19 the outside of the blank that's a turning operation</p> <p>20 that's done on a lathe. Then there's a gun drilling</p> <p>21 operation where we drill the diameter of the barrel out.</p> <p>22 And then there's a reaming operation that where we ream</p> <p>23 the barrel to a close tolerance. And then there's either</p> <p>24 a button or a cut rifling process where we put the</p> <p>25 rifling grooves into the inside of the barrel so that it</p>	<p style="text-align: right;">Page 64</p> <p>1 Q. -- oration?</p> <p>2 A. -- it's no longer an LLC.</p> <p>3 Q. Okay.</p> <p>4 A. It's now a sole --</p> <p>5 Q. Okay.</p> <p>6 A. -- proprietorship.</p> <p>7 Q. And you're the sole owner --</p> <p>8 A. I am the owner.</p> <p>9 Q. -- of the company?</p> <p>10 A. I am the owner of Tier One Weapon Systems.</p> <p>11 Q. How big is your facility where you perform</p> <p>12 these -- this manufacturing?</p> <p>13 A. About 6,000 square feet total, but not all of</p> <p>14 that's dedicated to manufacturing. Probably --</p> <p>15 Q. Where --</p> <p>16 A. -- two thou- -- 2,000 square feet to</p> <p>17 manufacturing.</p> <p>18 Q. And do you own -- does the company own the</p> <p>19 property or rather you own the property at 223 --</p> <p>20 A. No, we --</p> <p>21 Q. -- Thresher?</p> <p>22 A. -- we -- we rent. No, we're not at 223</p> <p>23 Thresher anymore. We're in -- We're in Lebanon now.</p> <p>24 Q. Where are you located in Lebanon?</p> <p>25 A. 17470 Highway HH.</p>
<p style="text-align: right;">Page 63</p> <p>1 makes the bullet spin when the bullet ingraves into the</p> <p>2 lands and grooves. And then there is a chambering</p> <p>3 process to cut the chamber to the spec of the cartridge</p> <p>4 that's going to be used. Then there's a threading and</p> <p>5 crowning process at the other end so that the bullet</p> <p>6 exits cleanly and you can attach supressors and flash</p> <p>7 hiders and brakes. And then there is a threading process</p> <p>8 for the action or the barrel expen- -- extension</p> <p>9 depending on if it's a bolt gun or a semi-auto rifle.</p> <p>10 And then there is a heat treating, a stress relieving,</p> <p>11 and then a nitriding process all to prepare the barrel to</p> <p>12 be assembled into the action.</p> <p>13 Q. For your contract employees, which -- which</p> <p>14 processes are your contract employees involved in?</p> <p>15 A. Some of -- Like they'll make forearms or</p> <p>16 they'll machine bolts or they'll relieve stocks for</p> <p>17 inletting or they'll assemble trigger assemblies or they</p> <p>18 will test-fire the weapon systems if I don't have time.</p> <p>19 If I'm machining barrels, I'll have them test-fire the</p> <p>20 weapon systems. So, it just depends on where we're at</p> <p>21 and what needs to be done.</p> <p>22 Q. And I'm sorry, I think I may have missed this.</p> <p>23 I think you said this earlier. This company is currently</p> <p>24 registered in Missouri as, is it an LLC or a corp- --</p> <p>25 A. No --</p>	<p style="text-align: right;">Page 65</p> <p>1 Q. I'm sorry, 17?</p> <p>2 A. -- 470.</p> <p>3 Q. Highway --</p> <p>4 A. That's what our li- -- our Federal licenses</p> <p>5 are attached to that address as well.</p> <p>6 Q. That address sounds familiar. Is that -- Is</p> <p>7 that your home address?</p> <p>8 A. It's -- No, that's the address where the range</p> <p>9 is, also.</p> <p>10 Q. And you had said that what was the 223</p> <p>11 Thresher Drive?</p> <p>12 A. That was --</p> <p>13 Q. What was --</p> <p>14 A. That was --</p> <p>15 Q. -- that?</p> <p>16 A. That was the old address in Eureka, Missouri</p> <p>17 where we had the manufacturing license and facility. We</p> <p>18 got flooded out twice in a year and a half and, so, we</p> <p>19 decided to move to higher ground.</p> <p>20 Q. So, you're creating the barrels. Does that</p> <p>21 mean the body of the gun? What is pre- -- comes to you</p> <p>22 preassembled? Where are you -- What are you --</p> <p>23 A. Noth- ---</p> <p>24 Q. -- using?</p> <p>25 A. Nothing comes to us preassembled. We</p>

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<p>1 manufacture barrels and brakes and we manufacture pillars 2 and stocks, things that -- different components, but we 3 also buy components. It's not cost-effective to 4 manufacture everything. Some people are way better at 5 making carbon fiber forearms than I am, so we buy those 6 from a vendor to use on the semi-auto systems. 7 Sometimes -- 8 Q. And -- 9 A. -- we'll buy carbon fiber stocks from a 10 company called Manners for the bolt-action guns. And -- 11 And we'll buy Magpul stocks for CQB weapons. We'll buy 12 triggers from Hiperfire. So, we -- depending on the 13 weapon system, we may make a number of things on it or we 14 may only make one or two things on it, but we assemble 15 everything. Nothing comes preassembled. Each component 16 is inspected and assembled at that facility and then 17 tested there at the facility. 18 Q. And certainly you're not foraging steel 19 components at that facility? 20 A. We ask -- 21 MR. DOWD: I'm going to interpose an 22 objection. We've been going over all of this 23 irrelevant. There's no issues in this case about 24 the manufacture or the functioning of the officers' 25 rifles. This is totally irrelevant. We've been</p>	<p>1 What was your revenue last year for systems -- 2 sales in weapon systems? 3 A. You know, I don't know. We're working on our 4 taxes right now. 5 Q. How about your -- your revenue -- 6 A. I can -- 7 Q. -- for two thousand -- Go ahead. 8 A. I can tell -- I can tell you I did 40,000 last 9 month. 10 Q. All right, how about in 2018? 11 A. I don't have those numbers handy with me. I 12 would imagine -- I would imagine it's over 150 grand. 13 Q. All right. On your C.V. -- look at that 14 again -- you mention -- Oh, apologies. Get there. 15 Earlier during your deposition, you began to 16 discuss your work with Powell River Laboratories. What 17 did that entail? 18 A. Contract engineering work developing 19 projectiles and weapon systems for the Secret Service and 20 for the Navy SEAL teams, specifically SEAL Team Six. 21 Q. Were you an employee with Powell River 22 Laboratories? 23 A. I'm sorry, could you repeat the question, 24 please? 25 Q. Were you an employee, a full-time employee,</p>
Page 67	Page 69
<p>1 going over almost two hours now and I -- this is -- 2 please get to the point of Mr. Andrews' opinions. 3 MS. MCGOWAN: Well, we're entitled to explore 4 Mr. Andrews' background -- 5 MR. DOWD: I know -- 6 MS. MCGOWAN: -- and his -- 7 MR. DOWD: -- what you're -- 8 MS. MCGOWAN: -- qualifications to -- 9 MR. DOWD: -- entitled -- entitled to with. 10 MS. MCGOWAN: -- give -- 11 MR. DOWD: You've gotten all of that, Erin. 12 This is getting ridiculous. That's my objection. 13 (Questions by Ms. McGowan) 14 Q. Mr. Andrews, I don't think you asked -- 15 answered my last question, which is, you're certainly not 16 foraging or pouring steel at this facility in the -- 17 A. No, we don't have a -- 18 Q. -- course of manufacturing -- 19 A. -- foundry. 20 Q. -- these? 21 A. We don't have a foundry. We buy bullet blanks 22 and machine them. We have lathes and mills and saws and 23 things that we cut and machine metal with, but we don't 24 have a foundry there. 25 Q. What were your -- Strike that.</p>	<p>1 with Powell River Laboratories? 2 A. No, I did contract engineering work for them. 3 Q. And how long did you perform contract 4 engineering work? 5 A. Over a period of probably five or seven years 6 that I recall. 7 Q. What years? 8 A. You know, you'd have to ask Harold Beal, the 9 owner of the company. I can give you his phone number if 10 you want to call him. 11 Q. Sure, what is his number? 12 A. Hold on a second. Let me turn my phone back 13 on. Give me just a minute. 14 Are you ready? 15 Q. Yes. 16 A. His cell phone number is 865/567-4384. 17 Q. And, sir, I think I may have missed a question 18 earlier. We talked about whether or not you possess any 19 licenses. Are you in possession of any certifications 20 currently? 21 A. I -- You're going to have to be more specific. 22 Certified on what? 23 Q. Well, for example, you've, you know, described 24 firearms training that you completed. Do you possess any 25 firearms certifications?</p>

<p style="text-align: right;">Page 70</p> <p>1 A. Well, I told you I'm a certified NRA Law 2 Enforcement Instructor, Law -- or Firearms Instructor for 3 the NRA. That's one certification that I obtained in the 4 firearms arena. 5 Q. How about in the area of criminal 6 investigations and crime scene examination? 7 A. No, that's been asked and answered, ma'am. 8 Q. And the answer was no? Just I -- 9 A. No, yes. No. "No" is the answer. 10 Q. Thank you. What was -- Where exactly was 11 Powell River Laboratories located in Tennessee? 12 A. Oak Ridge, Tennessee. 13 Q. And what position did -- I know you were a 14 contract engineer, but what exactly was the title of the 15 job you were performing, what was your role? 16 A. I was involved in research and development. 17 Q. What kind of research and development? 18 A. External and terminal ballistics and barrel 19 development. 20 Q. What did Powell River Laboratories do, what -- 21 what was their business? 22 A. They manufactured the highest end ammunition 23 for SEAL Team Six and the Presidential Countersniper 24 Protection Detail Team run by Bill O'Rourke at the time. 25 He was the Chief Secret Service Agent protecting the</p>	<p style="text-align: right;">Page 72</p> <p>1 A. It was nev- -- 2 Q. -- LLC? 3 A. It was never publicly traded. I don't know 4 what the corporate status of the company was, but I'm 5 sure Harold Beal can tell you that information. 6 Q. Did you work primarily with .30 caliber 7 ammunition? 8 A. I worked primarily with .30 cal. and some 5.56 9 subsonic ammo. 10 Q. Okay. Neither of those types of ammunition 11 are at issue in this case; correct? 12 A. Well, no, I worked with .223 ammo, which is 13 absolutely at issue in this case. And -- 14 Q. But you didn't primarily work with the .223 15 while there, so primarily you worked with the .30 caliber 16 and 5.56? 17 A. Well, not -- that may not be entirely correct 18 because I worked with the .30 cal. and I also worked with 19 the 87 grain powdered tungsten round that the SEAL teams 20 use for CQB work. 21 Q. Okay. And what kind of research did you 22 perform? 23 A. External and terminal testing. 24 Q. What does that mean? 25 A. We talked about that earlier. External is --</p>
<p style="text-align: right;">Page 71</p> <p>1 president with the Countersniper Team. 2 Q. Now, what kind of ammunition? 3 A. So, the Secret Service uses .300 Win. Mag. or 4 they did at the time. I don't know what they use today. 5 But at the time, they their Countersniper Protection 6 Detail Team used .300 Win. Mag. bolt guns to guard the 7 president, the perimeter around the president, and the 8 Powell River Laboratories developed powdered tungsten 9 ammunition and projectiles. They made the bullets and 10 loaded the ammo and sold it to the Secret Service to use 11 to protect the president of the United States. 12 Q. Okay. So, just to make sure I understand your 13 testimony is that they actually manufactured .300 Win. 14 Mag. powdered tungsten ammunition? 15 A. And 7.62 ammo for the SEAL teams and 5.56 ammo 16 for the SEAL teams and some handgun ammo that I didn't 17 work on and I'm not familiar with. But I'm sure 18 Harold Beal can give you all the details. 19 Q. Approximately when did you perform this 20 contract work with this company? 21 A. Late nineties, early 2000s I -- you know, I 22 recall. It's been a long time. 23 Q. Who -- Strike that. 24 What -- What kind of company was this, was it 25 a corporation? Publicly traded? Was it an --</p>	<p style="text-align: right;">Page 73</p> <p>1 External ballistics is how the bullet flies, what 2 trajectory it flies on, how it interacts with the 3 atmosphere, what its spin stability is, gyroscopic 4 stability is. And terminal has to do with how it 5 interacts when it impacts media like human flesh or walls 6 or trees or ground or steel from vehicles or glass; that 7 type of thing. 8 Q. Specifically, what kind of tasks were you 9 performing with A.M. & P.M. -- or, no, I'm sorry -- 10 Powell River Laboratories? 11 A. Accuracy, trajectory work, terminal ballistics 12 work, and barrel research and development. 13 Q. How would you test accuracy? 14 A. So, there's a process we go through called a 15 ladder test where we will load ammunition, manufacture 16 ammunition at different powder charges and different net 17 tensions and different seating depths of the bullet and 18 then we would shoot them at a hundred and 600 and a 19 thousand yards and look at the group sizing, look at the 20 vertical and horizontal dispersion, look at the velocity, 21 look at the trajectory as far as -- and we speak in 22 minutes of come-up, so how flat does the bullet fly from 23 a hundred to a thousand type of thing, you know, what is 24 its actual trajectory as we plot it through these various 25 points. And then we would look at it terminally, what</p>

<p style="text-align: right;">Page 74</p> <p>1 does it penetrate from an armor standpoint, both body 2 armor and vehicle armor. What does it do when it's shot 3 through glass, both tempered, non-tempered, and laminate 4 windshields, that -- that sort of thing on the terminal 5 side. And then how does the bullet foul the barrel, what 6 type of copper jacket material is it leaving in the bore, 7 what is its spin stability, what is the nutation tip, 8 what is the radar telling us about the nutation as it 9 flies; that sort of thing. We're comparing different 10 designs in an R&D environment to find something that's 11 optimal. 12 Q. Where were -- would you perform these test 13 shots? 14 A. We would do it there's three locations that I 15 remember. One is at Oak -- at the Oak Ridge range. We 16 did some work at the Y-12 lab, the nuclear research 17 facility at Y-12. And the Bench Rest Rifle Club in -- in 18 Warren -- or Warren County, Missouri. And also we did 19 some long range tests in the desert west of Albuquerque 20 where we could shoot past 2,000 yards. 21 Q. Okay. When you say the Oak Ridge range, 22 that's outside, you're performing those tests outside? 23 A. Outdoors, yes, ma'am. 24 Q. Okay. And what kind of work did you perform 25 at the Y -- Y-12 lab, the nuclear lab?</p>	<p style="text-align: right;">Page 76</p> <p>1 drag coefficient in a dynamic environment in flight and 2 it gives us information on the nutation at the tip of the 3 bullet, which has a direct effect on the stability of the 4 bullet and the accuracy of the bullet and the drag of the 5 bullet. 6 Q. What is a recoil measurement? 7 A. A recoil measurement is a measurement of the 8 equal and opposite force that occurs when you fire a 9 projectile of a certain mass at a certain velocity. The 10 weapon system wants to go the exact opposite direction 11 and it also wants to twist the opposite direction that 12 the bullet is being spun up in. And, so, the gun comes 13 back and it twists as it's fired. 14 Q. What were water tanks used for? 15 A. To check the waterproofness of the ammo for 16 the Navy SEAL teams. 17 Q. Did you manufacture or make ballistics gelatin 18 while you were performing contract work for this company? 19 A. I have manufactured ballistic -- calibrated 20 ballistic gelatin for St. Louis City PD, for Powell River 21 Laboratories, and for Tier One Weapon Systems. 22 Q. Does drag coefficient have anything to do with 23 the reconstruction of a shooting scene? 24 A. Not if the shooting scene is at close range, 25 inside 30 yards. It doesn't have any significance.</p>
<p style="text-align: right;">Page 75</p> <p>1 A. We were looking at the spin stability of the 2 projectile and the center of gravity offset of the 3 projectile and using they have a very accurate coordinate 4 measuring machine. Technical stuff on the shape of the 5 bullet and how it's balanced. 6 Q. The coordinate measuring machine? 7 A. Yes, ma'am. That's a common machine used in 8 manufacturing to measure things to a ten-thousandth of an 9 inch. It uses a laser and a computer. 10 Q. What other tools did you employ while working 11 for Powell River -- River Laboratories? 12 A. Ballistic gelatin, chronographs, radar, 13 various recoil measurement systems, water tanks to test 14 the viability of the ammo in wet conditions, scales that 15 measure things to thousandths of a grain, coordinate 16 measuring machines; things like that. Typical lab stuff. 17 Q. What is a chronograph? 18 A. A chronograph is something that measures the 19 velocity of something in motion, the speed. 20 Q. What was the coordinate measuring machine -- 21 Strike that. You've answered that. 22 What did you use radar for? 23 A. Radar gives us really detailed information on 24 the spin stability of the bullet in flight and the 25 ballistic coefficient of the bullet, what we call the</p>	<p style="text-align: right;">Page 77</p> <p>1 Q. And just so I'm clear, you did manufacture 2 ballistics gelatin while you were performing this 3 contract work for Powell River? 4 A. We made ballistic gelatin blocks, we 5 calibrated them under a standard procedure, which uses a 6 chronograph and a .177 projectile moving at exactly 400 7 feet per second, and then you measure the depth of that 8 projectile into the gelatin, and if it -- the depth is 9 exactly four inches, then you have a properly calibrated 10 and manufactured gelatin block that you can now shoot and 11 get consistent measurement results from when you fire a 12 centerfire projectile into the gelatin. 13 Q. What education, experience, or training 14 qualified you to perform this research work with Powell 15 River? 16 A. Well, it probably started with my job as a 17 quality engineer at a manufacturing company called 18 Mark Andy and then my firearms training at Gunsite and 19 DARC and then subsequent private training that -- that I 20 hired people to teach me, basically tutor me privately. 21 MS. MCGOWAN: Now, we've been going for almost 22 about two hours I think. Should -- We should 23 probably take a break at this point -- 24 THE WITNESS: If you need -- 25 MS. MCGOWAN: -- if everyone is all right with</p>

<p style="text-align: right;">Page 78</p> <p>1 that.</p> <p>2 THE WITNESS: If you need one, that's fine. I</p> <p>3 don't.</p> <p>4 (At this point, an off-the-record discussion</p> <p>5 was had.)</p> <p>6 VIDEOGRAPHER: At 1:16 p.m., we are going off</p> <p>7 the record.</p> <p>8 (At this point, there was a break taken from</p> <p>9 1:16 p.m. to 1:30 p.m.)</p> <p>10 VIDEOGRAPHER: At 1:31 p.m. Central Daylight</p> <p>11 Time, we are back on the record in the deposition of</p> <p>12 L. Samuel Andrews.</p> <p>13 (Questions by Ms. McGowan)</p> <p>14 Q. Mr. Andrews, before we went on break, we were</p> <p>15 still discussing your employment experience. To just</p> <p>16 back up a bit, I wanted to ask with Tier One, do you know</p> <p>17 how much you spent on payroll in 2018 for those two to</p> <p>18 three contract employees?</p> <p>19 A. For 2018?</p> <p>20 Q. Sure, you said you were still doing your taxes</p> <p>21 for 2019. Do you --</p> <p>22 A. I don't --</p> <p>23 Q. -- have that information?</p> <p>24 A. I don't have that information handy. That's</p> <p>25 something my accountant would have, I guess. I -- You</p>	<p style="text-align: right;">Page 80</p> <p>1 A. Well, when we bring a contract instructor in,</p> <p>2 we bring them in for a specific course because he's a</p> <p>3 subject matter expert in that course.</p> <p>4 Q. Okay, I am specifically referring to your</p> <p>5 manufacturing operations. Did I understand correctly</p> <p>6 that you have two or three contract employees who assist</p> <p>7 you with your manufacturing operations?</p> <p>8 A. Yeah, they make -- they make stuff or assemble</p> <p>9 stuff, guys that I come in and pay part-time contract</p> <p>10 work.</p> <p>11 Q. Okay. Do you know how much you paid out for</p> <p>12 that work in 2019?</p> <p>13 A. I don't. I know I paid a guy \$300 last week</p> <p>14 for three days work.</p> <p>15 Q. And are they working year-round or are they on</p> <p>16 a project basis?</p> <p>17 A. Depends on how busy we are. On a project</p> <p>18 basis.</p> <p>19 Q. Okay. So, it's fair to say that your</p> <p>20 manufacturing facility isn't staffed full time, they come</p> <p>21 in on an as needed basis?</p> <p>22 A. Well, I do about 50 hours a week there. I</p> <p>23 don't know if that counts for full time, but...</p> <p>24 Q. Could you tell me what percentage of the time</p> <p>25 are there other individuals assisting you with the</p>
<p style="text-align: right;">Page 79</p> <p>1 know, we -- I don't do my own taxes. I pay someone to do</p> <p>2 it. I don't even look at it. I'm not an accountant and</p> <p>3 I don't --</p> <p>4 Q. Who do you --</p> <p>5 A. -- really -- I don't really manage the</p> <p>6 business that way, you know, so I don't -- it's not</p> <p>7 something that I track. It's not a measurable thing that</p> <p>8 I track.</p> <p>9 Q. Do you handle your own bookkeeping for Tier</p> <p>10 One?</p> <p>11 A. No.</p> <p>12 Q. You have an accountant who handles that?</p> <p>13 A. I have a tax person who handles everything.</p> <p>14 Q. Okay. Cash flow, balance sheets, your</p> <p>15 accountant handles that?</p> <p>16 A. Everything is handled by Wally. So, you know,</p> <p>17 unless I call Wally and say can you make the -- I pay him</p> <p>18 to come up with a document. I just -- I don't even -- I</p> <p>19 don't even look at that stuff. I don't have time.</p> <p>20 Q. Your two to three contract employees --</p> <p>21 A. I can tell you --</p> <p>22 Q. -- are they work- --</p> <p>23 A. -- what -- I can tell you what we pay them a</p> <p>24 class.</p> <p>25 Q. Per class, what do you mean by per class?</p>	<p style="text-align: right;">Page 81</p> <p>1 manufacturing process?</p> <p>2 A. Probably 35, 40 percent of the time.</p> <p>3 Q. Okay.</p> <p>4 A. Something like that.</p> <p>5 Q. And before we went on break, you had testified</p> <p>6 that you had done some quality engineering work for a</p> <p>7 company called Mark An- -- Andy, Mark Andy?</p> <p>8 A. The original name of the company was</p> <p>9 Mark Andrews, Incorporated. It was shortened when it was</p> <p>10 purchased by the son of the originator, and he shortened</p> <p>11 the name to Mark Andy, M-a-r-k A-n-d-y, Incorporated.</p> <p>12 They manufacture flexographic printing presses. They're</p> <p>13 about a 300,000 square foot facility in Chesterfield,</p> <p>14 Missouri.</p> <p>15 Q. Mark Andrews, do you have any relationship to</p> <p>16 Mark Andrews; is that a relative?</p> <p>17 A. He's my father, Mark Andrews, Jr.</p> <p>18 Q. So, when you worked for Mark Andy, it was --</p> <p>19 was your father still involved in the company?</p> <p>20 A. He wasn't -- He wasn't directly involved. He</p> <p>21 was like a chairman of the board, but not really involved</p> <p>22 in the day-to-day operations. I believe John Ulick was</p> <p>23 the present at that time.</p> <p>24 Q. And by "printing press," did they print</p> <p>25 newspaper print? Magazines? What kind of work were they</p>

21 (Pages 78 to 81)

<p style="text-align: right;">Page 82</p> <p>1 performing?</p> <p>2 A. So, if you walk into a grocery store and you</p> <p>3 look at the shelves on the grocery store, you'll see a</p> <p>4 bunch of products on a grocery store, they have labels on</p> <p>5 them. Flexographic printing presses print labels.</p> <p>6 There's a book written about the beginning of the label</p> <p>7 industry, it's called They Began an Industry, and it's</p> <p>8 about John Avery and Mark Andrews, Sr., my grandfather.</p> <p>9 They started the label industry. They invented the label</p> <p>10 and printing on labels, the whole industry.</p> <p>11 Q. Do you possess any degrees in engineering?</p> <p>12 A. No.</p> <p>13 Q. How about certifications in engineering?</p> <p>14 A. No, you asked me that already. No.</p> <p>15 Q. Just -- Just double-checking.</p> <p>16 A. That's okay.</p> <p>17 Q. And turning back to your C.V., is it fair to</p> <p>18 say that -- Let me get this pulled up.</p> <p>19 Sir, is it fair to say that of the -- one --</p> <p>20 four companies referenced in the first paragraph here,</p> <p>21 that you were the owner or manager of those companies?</p> <p>22 A. No, I wouldn't say that's fair.</p> <p>23 Q. Okay.</p> <p>24 A. I would --</p> <p>25 Q. What --</p>	<p style="text-align: right;">Page 84</p> <p>1 A. They are to some degree, yes. Our Partnership</p> <p>2 Agreement requires it.</p> <p>3 Q. And I think we established earlier you --</p> <p>4 you've never been employed as a law enforcement officer;</p> <p>5 correct? I think I may have asked that.</p> <p>6 A. I don't recall you asking that. You asked</p> <p>7 me if --</p> <p>8 Q. Oh.</p> <p>9 A. -- I was in the military. The answer was no.</p> <p>10 And if you're asking me if I've ever been employed as a</p> <p>11 law enforcement officer, the answer would be no, but I</p> <p>12 have assisted law enforcement on some drug task force</p> <p>13 type activities.</p> <p>14 Q. What drug task force type activities have you</p> <p>15 assisted with?</p> <p>16 A. St. Louis County PD. Jeremy Cantrell and some</p> <p>17 other officers would work Interstate 44 drug -- doing</p> <p>18 drug interdiction, and when they would get intel that a</p> <p>19 significant load of material was coming east on 44,</p> <p>20 the -- the drugs would go east, the money would go west</p> <p>21 towards Texas, they would have me ride-along -- do what</p> <p>22 they call a ride-along so that I could help them inspect</p> <p>23 the vehicles that they were anticipating pulling over and</p> <p>24 help them locate the contraband.</p> <p>25 Q. And just to be clear, this was with St. Louis</p>
<p style="text-align: right;">Page 83</p> <p>1 A. I would say that I managed A.R. Tactical and</p> <p>2 Tier One Weapon Systems. I would say that Paul Matteucci</p> <p>3 owned and operated A.M. & P.M. We talked about that</p> <p>4 earlier.</p> <p>5 Q. Okay. And you're the Owner/Manager of Freedom</p> <p>6 Center, USA; correct?</p> <p>7 A. No, I'm not the owner. I'm the Managing</p> <p>8 Member.</p> <p>9 Q. Who's --</p> <p>10 A. It's an LL -- It's an LLC with partners.</p> <p>11 Q. Oh, sure, okay.</p> <p>12 A. It's an LLC I think, technically.</p> <p>13 Q. Sure, fair point. Are there any other</p> <p>14 partners that we haven't talked about today with --</p> <p>15 A. In --</p> <p>16 Q. -- Freedom Center?</p> <p>17 A. In Freedom Center? Yeah, there's Mark and</p> <p>18 Evan Westcott.</p> <p>19 Q. Can you spell that last name?</p> <p>20 A. I think it's W-e-s-t-c-o-t-t. I think --</p> <p>21 Q. Are they --</p> <p>22 A. -- Evan We- -- I think Evan Westcott is the</p> <p>23 Registered Agent for that LLC right now.</p> <p>24 Q. Are they involved in the day-to-day management</p> <p>25 of Freedom Center?</p>	<p style="text-align: right;">Page 85</p> <p>1 County?</p> <p>2 A. St. Louis County PD.</p> <p>3 Q. What location -- Where were you performing</p> <p>4 this, along 44? Can you give me --</p> <p>5 A. Yeah, if --</p> <p>6 Q. -- a general vicinity?</p> <p>7 A. Yes. So, if you go into -- if you go down</p> <p>8 Interstate 44 west and you go as far west as you can</p> <p>9 right before you get out of the county, the St. Louis</p> <p>10 County officers would set up an interdiction point with</p> <p>11 several cars there, and when they had things like pontoon</p> <p>12 boats or any type of metallurgy issue when trying to find</p> <p>13 contraband, they would ask me to come ride along and help</p> <p>14 them search, and on certain occasions I found things that</p> <p>15 they missed.</p> <p>16 Q. Were you paid for this work?</p> <p>17 A. No.</p> <p>18 Q. Okay. Were you under contract with St. Louis</p> <p>19 County?</p> <p>20 A. For training in certain circumstances, but not</p> <p>21 for the drug interdiction activity.</p> <p>22 Q. So, what exactly was your role? You said</p> <p>23 whenever a boat or metal was involved. What exactly</p> <p>24 would you do to help?</p> <p>25 A. So, on one bus I remember, you know, from</p>

<p>Page 86</p> <p>1 years ago, there was a pontoon boat that was being towed 2 by a pickup truck and they couldn't get the dogs to hit 3 on it and they had me inspect, walk around the boat and 4 look at it. And the pontoons had fresh welds on the end 5 caps. And, you know, aluminum oxidizes white. It 6 doesn't rust red like steel does. And I noticed that 7 there was no white oxidation on the welds and that told 8 me that they had removed that cap and rewelded it very 9 recently. And, of course, they found drugs in the 10 pontoon when they inspected that area. 11 Q. Were you -- Was this informal and why were you 12 on these ride-alongs with St. Louis County officers? 13 A. Well, I had developed friendships with 14 officers that I had trained and, so, some of the officers 15 that had been in my training classes became close 16 friends. Like, for example, Lieutenant Bob Cooney of 17 St. Louis City PD, my wife and I used to go and have 18 dinner with his wife and we used to go to ball games 19 together with the Cantrells. Jeremy Cantrell was married 20 to Mike Shannon's sis- -- to Mike Shannon's daughter and, 21 so, I would go to the ball games with Jeremy. And, so, 22 when they had difficult things that they wanted more 23 technical expertise on, they would call me and say, Hey, 24 Sam, will you give me a hand with this? And I would take 25 time and go and help them with whatever issue they were</p>	<p>Page 88</p> <p>1 forgot to turn it off after the break. 2 I'm sorry about that. Go ahead. 3 Q. Did you mention that you trained St. Louis 4 County SWAT -- 5 A. I have -- 6 Q. -- members of St. Louis -- 7 A. I have had St. Louis County SWAT officers in 8 my training classes. 9 Q. Okay. 10 A. As well as St. Louis City officers. 11 Q. Did you have a contract with St. Louis County 12 to provide training to their SWAT team? 13 A. No, they would see us offer a class and their 14 lieutenant or sergeant would call me and say do you have 15 a spot in the class for one of my guys, and if we did, 16 we'd put them in there. If we didn't, we'd say we'll 17 catch you next class. 18 Q. Have you ever been involved with the execution 19 of a search warrant? 20 A. Not that I re- -- 21 MR. DOWD: Let me -- 22 A. -- recall directly. 23 MR. DOWD: Let me in- -- Let me interpose an 24 objection as to it being vague, the use of the term 25 "involved."</p>
<p>Page 87</p> <p>1 dealing with at the time. 2 Q. So, you were helping -- 3 A. 'Cause -- Because they were my friends. 4 Q. You were helping individuals you developed a 5 relationship -- a personal relationship with? 6 A. Through -- Through training. You know, I 7 originally met them by training their SWAT team guys and 8 then I would develop friendships with the leadership and 9 some of the sharper guys on the SWAT teams. 10 Q. How many times did you accompany St. Louis 11 County officers on -- 12 A. On ride-alongs? Probably -- 13 Q. -- ride-alongs, sir? 14 A. -- six -- six or seven. 15 Q. Have you ever served on a SWAT team? 16 A. No, you asked me if I was a police officer. 17 The answer is no. 18 Q. No, you've never served on a SWAT team? 19 A. No, I'm not a SWAT officer. I've never held a 20 police commission or a Class I commission in the state of 21 Missouri. 22 (Cell phone ringing.) 23 A. Let me turn my -- 24 Q. Have you ever -- 25 A. Let me turn my phone off. Excuse me. I</p>	<p>Page 89</p> <p>1 MS. MCGOWAN: Sure, I'll rephrase. 2 MR. DOWD: Object to the form. 3 (Questions by Mr. Dowd) 4 Q. Mr. Andrews, have you ever accompanied a 5 police officer or a SWAT team or a Federal agent on the 6 execution of a search warrant at a home? 7 A. Not a live warrant. We've done it an awful 8 lot in training, but not on a live warrant scenario. 9 Q. Okay. And same question. I gave a home as an 10 example, but have you ever accompanied any law 11 enforcement agent on the execution of a search warrant at 12 a business? 13 A. Not on a live warrant, but in training, 14 extensively. 15 Q. And are you, yourself, POST certified? 16 A. You don't get POST certified as an individual. 17 POST certified is a training certification that's 18 attached to a course material that's written down and 19 documented in writing. Doesn't work -- 20 Q. Are you -- 21 A. -- that way. 22 Q. Do you hold any law enforcement 23 certifications? 24 A. I answered that question. No. 25 Q. You would agree that POST provides curriculum</p>

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<p>1 to law enforcement training academies; correct?</p> <p>2 A. No, I wouldn't agree to that. I would say</p> <p>3 that private entities submit course material and the men</p> <p>4 at POST review that material for its viability and</p> <p>5 they'll either certify it or they won't certify it, but</p> <p>6 I'm not under the impression that POST provides any</p> <p>7 specific original source material. Never seen it.</p> <p>8 Q. Have you taken any classroom training or other</p> <p>9 training that involves POST certified material?</p> <p>10 A. Absolutely. From a company in Maryland,</p> <p>11 Tactical Operations, I've taken hostage rescue course and</p> <p>12 active shooter courses that were all POST certified.</p> <p>13 Q. In which state?</p> <p>14 A. Which state was -- was the training?</p> <p>15 Q. Correct.</p> <p>16 A. You know, I'm -- I'm not sure my memory's that</p> <p>17 good, but I attended it with an officer, a lieutenant of</p> <p>18 the -- of the Ballwin Police Department named</p> <p>19 Bob Fritschle. He and I both attended several POST</p> <p>20 certified courses off- -- offered by Operational Tactics.</p> <p>21 Q. And, sir, it's your testimony that the Peace</p> <p>22 Officer Standards and Training Program does not license</p> <p>23 peace officers?</p> <p>24 A. Well, my understanding is that it's a state</p> <p>25 commission by state. So, when an officer goes through an</p>	<p>1 of this document, you state that in 2001, you conducted</p> <p>2 Missouri Peace Officer Standards and Training</p> <p>3 certification and SWAT sniper training for ten Missouri</p> <p>4 law enforcement agencies, including St. Louis County.</p> <p>5 Now, you testified before that you didn't actually</p> <p>6 perform POST training for the County, you performed --</p> <p>7 you had an officer with St. Louis County participate in</p> <p>8 one of your classes; is that true?</p> <p>9 A. That's not what I said, no, ma'am.</p> <p>10 Q. All right. How did I misstate your earlier</p> <p>11 testimony?</p> <p>12 A. I'm not sure. Do you have a question? 'Cause</p> <p>13 that's not -- What you said's not correct. That's not</p> <p>14 what I said.</p> <p>15 Q. Well, I believe your testimony was that you</p> <p>16 didn't have a contract with St. Louis County to provide</p> <p>17 training to their SWAT team. Is that -- that true?</p> <p>18 A. You know, those things weren't done with</p> <p>19 contracts. You know, they're basically done on a</p> <p>20 handshake with the SWAT or -- sergeant or the SWAT</p> <p>21 lieutenant and they say, Hey, if you come do this</p> <p>22 training for us, I'll get you a check next week or I'll</p> <p>23 get you a check in three weeks, but we want -- we want</p> <p>24 some training done on this, can you come do that, and I</p> <p>25 would say yes, I would show up to their range, typically,</p>
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<p>1 academy, they receive a Class I commission from their</p> <p>2 work in certification and testing in the academy. I'm</p> <p>3 not sure that -- that POST is the originator of that</p> <p>4 certification. I mean it could be, but my understanding</p> <p>5 it was always done by the State of Missouri.</p> <p>6 Q. Correct. And is it your understanding in</p> <p>7 Missouri, for example, POST does not license individual</p> <p>8 peace officers?</p> <p>9 A. I don't know if that come -- I don't know if</p> <p>10 the Commi- -- It's a commission, it's not a license, it's</p> <p>11 called a Class 1 commission, and I don't know what the</p> <p>12 formal structure of that is. You're out of my area of</p> <p>13 expertise as far as the logistics of that.</p> <p>14 Q. All right, I'm going to turn now to Exhibit B,</p> <p>15 the document that was previously marked as Exhibit B.</p> <p>16 Sir, do you recognize this?</p> <p>17 A. Yes.</p> <p>18 Q. All right. Sir, do you agree that this is an</p> <p>19 Affidavit that you authored on behalf of the Plaintiffs</p> <p>20 in this matter?</p> <p>21 A. Yes.</p> <p>22 Q. All right, and you did this at the request of</p> <p>23 Mr. Dowd, I presume?</p> <p>24 A. Roger that, yes.</p> <p>25 Q. I want to jump to Paragraph 4. In Paragraph 4</p>	<p>1 or find a range to do the training. We would conduct the</p> <p>2 training and then they would cut me a check down the</p> <p>3 road.</p> <p>4 Q. When did you perform the training with</p> <p>5 St. Louis County, did you perform that in 2001?</p> <p>6 A. Well, I did training with St. Louis County</p> <p>7 over a period of years just like I did with St. Louis</p> <p>8 City PD. We had Neil Terry and Mark Mitchell and myself</p> <p>9 do a large sniper training for the eastern half of</p> <p>10 Missouri. We sent out notices and offered the course to</p> <p>11 a lot of police departments in the eastern half of</p> <p>12 Missouri and St. Louis County sent Dan Cunningham was</p> <p>13 their sniper at the time. He eventually went to fly in</p> <p>14 helicopters. Franklin County sent Jeff Hartwig.</p> <p>15 Sergeant Jerome Klipfel of St. Louis City PD was himself</p> <p>16 a student in the course and you had five other snipers</p> <p>17 from St. Louis Metropolitan PD in that course as I</p> <p>18 remember.</p> <p>19 Q. All right, let's focus on the training that</p> <p>20 you say you provided to St. Louis City officers. Where</p> <p>21 did that occur?</p> <p>22 A. For that course, that's a fairly involved</p> <p>23 course, the police sniping course, so we held the</p> <p>24 training at two different locations. We held the</p> <p>25 standard structured range and ballistics work at the</p>

<p style="text-align: right;">Page 94</p> <p>1 Bench Rest Rifle Club and we rented the Bench Rest Rifle 2 Club range for that and then we used the Pacific prison's 3 range for the last two days of the courses doing unknown 4 range work and other tactical movement type work. 5 Q. It's true that you did not have a contract 6 with the St. Louis -- St. Louis City or St. Louis 7 Metropolitan Police Department to provide training to 8 their SWAT team? 9 A. There's no contract, but there were invoices 10 and checks sent back and forth as I recall. And I'm 11 sure -- 12 Q. What year -- 13 A. -- the St. Louis County or St. Louis City 14 could find you records of training and -- and invoices 15 from A.M. & P.M. and also A.R. Tactical. 16 Q. Now, any payments made to you or one of your 17 companies, would that have been made -- For example, 18 A.R. Tactical, that's a LLC; correct? 19 A. Depends on when the training was conducted. 20 If it was before about 2002, it was a proprietorship. If 21 it was after, it was an LLC. 22 Q. So, prior to 2002, your testimony is that if 23 there was any payment made by the St. Louis Metropolitan 24 Police Department to you, it would have been made in -- 25 in your name?</p>	<p style="text-align: right;">Page 96</p> <p>1 be able to cash a check if it was made in the name of 2 A.R. Tactical prior to it becoming an LLC? 3 A. I think I recall back in the day that if you 4 had a doing business as or whatever, that you could, in 5 fact, have a bank account. You know, things have changed 6 since 9/11. It used to not be so strict about bank 7 accounts. You could get bank accounts at a lot of banks 8 in the name of just about anything you wanted and, so, I 9 probably had an account that said A.R. Tactical and 10 that's how I cashed the checks. But I guarantee you that 11 was what was on the invoice and that's who the checks 12 were made to by St. Louis City. 13 Q. Okay. So, it's your belief that if there were 14 any payments made from the St. Louis Metropolitan Police 15 Department to you, they would have been written to 16 A.R. Tactical or A.M. & P.M.? 17 A. Yes, ma'am. 18 Q. Okay. And, sir, A.M. & P.M., what -- what was 19 the nature of the work that A.M. & P.M. did for the 20 St. Louis Metropolitan Police Department? 21 A. Training. 22 Q. What kind of training? 23 A. So, we worked on sniper weapon system 24 training. We worked on terminal ballistics training. 25 That was held at the St. Louis City range down near the</p>
<p style="text-align: right;">Page 95</p> <p>1 A. No, it would have been made in A.R. Tactical 2 or A.M. & P.M. 3 Q. Okay. AR -- A.M. & -- I'm sorry. 4 A.R. Tactical, that was registered with the Secretary of 5 State in 2002; correct? 6 A. Ma'am, we covered that. It was a sole 7 proprietorship up to 2002, and then when the training 8 increased, training activity increased, we decided to 9 restructure it as a Missouri LLC. 10 Q. Did you have a bank account or some kind of a 11 financial account in the name A.R. Tactical prior to it 12 becoming an LLC? 13 A. I would imagine I did. It's, you know, you're 14 talking almost 20 years ago, so it's hard to remember -- 15 Q. Okay. 16 A. -- but I'm -- I'm probably sure that I did. 17 Q. All right. 18 A. Had -- I had to have a way of cashing the 19 checks when we trained police officers. 20 Q. Sir, would you agree that a sole 21 proprietorship in Missouri is not a distinct legal entity 22 from the person who runs it? 23 A. I -- I don't know. You'd have to ask an 24 attorney. How would I know? 25 Q. I just asked because, how is it that you would</p>	<p style="text-align: right;">Page 97</p> <p>1 river off of 55. There was CQB training that was done. 2 We did training on night vision and illumination of night 3 vision devices. We did training on scopes and optics and 4 CQB optics. We did training on how to develop courses of 5 fire to test various skills. Cleaning weapons, we did 6 training on how to properly clean and maintain your 7 weapons. They had a pretty lax standard for cleaning 8 your rifles and were having reliability issues and, so, 9 they asked me to do a class on that. I mean there was a 10 whole host of things. It's a lot of things that's 11 probably even hard to remember. I'm probably not even 12 recalling 30 percent of it. 13 Q. How many hours was this training? 14 A. Well, I know the one sniper course they had 15 six snipers in was a whole week was five days, so it was 16 almost 50 hours, and the other training, it would be in 17 the hundreds -- 18 Q. Who else did -- 19 A. -- of hours. 20 Q. Who else train -- took -- Strike that. 21 Was anyone else involved with providing this 22 training? 23 A. For St. Louis City specifically? 24 Q. Yes. 25 A. Neil Terry and Mark Mitchell.</p>

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<p>1 Q. Do you know, is Neil Terry still in the 2 St. Louis area? 3 A. Neil Terry has never been in St. Louis area. 4 We flew him in under contract to do training, to 5 participate as a contractor as an instructor. 6 Q. Where is he from? 7 A. Albuquerque, New Mexico. 8 Q. And Mark Mitchell, is he from the St. Louis 9 area? 10 A. Albuquerque, New Mexico. These are two men 11 that won the World Sniper Championship there times. I 12 figured since they both had 15 to 20 years on SWAT teams 13 that they'd make excellent SWAT sniper instructors. 14 Q. Were they actually instructing in this course? 15 A. Well, we all would take turns based on our 16 area of expertise, so yes. 17 Q. What topics did you teach versus what topics 18 did Mr. Terry and Mr. Mitchell teach? 19 A. So, I worked on the fundamentals of the 20 marksmanship, which are sight alignment, shoulder 21 pressure, trigger control, breath control, and 22 follow-through. 23 (Clarification by the reporter.) 24 A. So, I -- I think in the -- in the course that 25 St. Louis City had six snipers in, I worked -- I trained</p>	<p>1 Q. I'm not under oath today, Mr. Andrews. 2 A. Oh, I'm sorry, I'm not supposed to ask -- 3 Q. Rhetorical. 4 A. -- questions. You're the one supposed to ask 5 the questions. I'm sorry. 6 Q. And, so, following back up, A.M. & P.M., you 7 testified earlier that you did some political consulting 8 with that group, too. I'm a bit -- You provided 9 political consulting and SWAT team training under the 10 umbrella of A.M. & P.M.? 11 A. Yes. 12 Q. Any other type of services you provided under 13 the arm of A.M. & P.M.? 14 A. Yes, we talked about the strategic planning 15 stuff for the Department of Defense. 16 Q. Anything else? 17 A. Technology training. 18 Q. To whom did you provide technology training 19 with A.M. & P.M.? 20 A. St. Louis City PD is one. 21 Q. What -- What did you train on? 22 A. Thermal. 23 Q. Thermal what? 24 A. Sights. Thermal technology, night vision 25 technology, and emissivity.</p>
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<p>1 people on the marksmanship side, the fundamentals of 2 marksmanship, which are shoulder pressure, sight 3 alignment, breath control, trigger control, 4 follow-through, shooting through glass, and shooting 5 moving targets and also identifying things of tactical 6 significance, which is an observation skill that we teach 7 our police snipers. 8 Q. Was this training just for SWAT team members? 9 A. Yes. 10 Q. Did you provide BearCat training? 11 A. Did you say BearCat training? 12 Q. Yes. 13 A. No, ma'am, we -- back then, not a lot of teams 14 had BearCats and, so, that wasn't a common thing. I know 15 St. Louis City got one and they -- they -- they chose to 16 get one, to acquire one to -- for downed officer rescue, 17 but that wasn't something that I was involved in. 18 Q. Did you do any tactical training involving 19 ballistic shields? 20 A. Yes. 21 Q. Did any of your training with the St. Louis 22 Metropolitan Police Department involve forensic crime 23 scene investigation? 24 A. No. Why would I train a SWAT officer on 25 forensic crime scene investigation?</p>	<p>1 Q. What is Mr. Michelli (phonetically) -- I'm 2 sorry, I can't pronounce his name. 3 A. Matteucci. 4 Q. Matteucci? 5 A. Matteucci. 6 Q. What is his background? 7 A. You know, you'd have to ask him. He's highly 8 skilled in computer technology, I'll tell you that. 9 Q. Okay. And A.M. & P.M. was his company; 10 correct? 11 A. I believe so. 12 Q. Did he provide any SWAT team training to the 13 St. Louis Metropolitan Police Department? 14 A. He wasn't involved in the training. He was 15 more on the political side. He would only ask me for 16 help if he wanted strategic planning on the political 17 side or he wanted to understand something about 18 technology or security for a candidate. 19 Q. Was anyone else involved with A.M. & P.M.? 20 A. I'm sure there were, but you'd have to ask 21 Mr. Matteucci. 22 Q. Do you know where he currently lives? 23 A. I have no idea. I haven't talked to him in 24 over a decade. 25 Q. How is it that A.M. & P.M. came to provide</p>

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<p>1 political consulting work?</p> <p>2 A. You'd have to ask Mr. Matteucci that. That</p> <p>3 wasn't my area.</p> <p>4 Q. Okay. Was there anyone else to your knowledge</p> <p>5 involved with A.M. & P.M. that provided training to the</p> <p>6 St. Louis Metropolitan Police Department?</p> <p>7 A. Yeah, we talked about Neil Terry and</p> <p>8 Mark Mitchell and --</p> <p>9 Q. Oh --</p> <p>10 A. -- people --</p> <p>11 Q. -- setting --</p> <p>12 A. -- like that.</p> <p>13 Q. -- aside, were they on contract with</p> <p>14 A.M. & P.M.?</p> <p>15 A. Yeah, they were just paid on a short-term</p> <p>16 contract to come in and train for specific things.</p> <p>17 Q. How did A.M. & P.M. -- Did -- Strike that.</p> <p>18 Did A.M. & P.M. respond to a request for</p> <p>19 proposal from the St. Louis Metropolitan Police</p> <p>20 Department? How did you come to provide training to the</p> <p>21 Police Department, City Police Department?</p> <p>22 A. As I recall, we did a technology seminar. We</p> <p>23 brought Mark Caracci, a Navy SEAL operator, decorated</p> <p>24 Navy SEAL sniper with SEAL Team Six, we brought him in.</p> <p>25 He was the vice president of Powell River Laboratories</p>	<p>1 Q. -- St. Louis County, the Metropolitan Police</p> <p>2 Depart- -- St. Louis Metropolitan Police Department.</p> <p>3 What other agencies? There's eight other agencies --</p> <p>4 A. You know --</p> <p>5 Q. -- that we haven't discussed.</p> <p>6 A. -- that -- that was almost 20 years ago, but</p> <p>7 as I recall, Franklin County had people there, Jefferson</p> <p>8 County. You know, Dave Marshak's the sheriff of</p> <p>9 Jefferson County. I know he came and audited the course.</p> <p>10 There were agencies from around the eastern part of</p> <p>11 Missouri. Mostly sheriffs' departments. We also had</p> <p>12 Ballwin City PD. Bob Fritschle came and also a gentleman</p> <p>13 Tom Koch, an officer named Tom Koch, from Ballwin came.</p> <p>14 I recall them being there. I know Jeff Hartwig from</p> <p>15 Franklin County was there. Just my memory, you know,</p> <p>16 I've only got about half of the class, honestly, because</p> <p>17 of it's been so long.</p> <p>18 Q. And with any of the law enforcement agencies</p> <p>19 you've just listed, did you have a contract with the</p> <p>20 actual law enforcement agency to provide these training</p> <p>21 services?</p> <p>22 A. Once again, we present the class with</p> <p>23 information about the class to the agency by fax. If the</p> <p>24 sergeant of the SWAT team is interested in one of their</p> <p>25 snipers getting training, they would call me and ask if I</p>
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<p>1 and we brought him in to do a technology seminar with</p> <p>2 A.M. & P.M., so it was sort of a joint thing and we</p> <p>3 invited about 30 different law enforcement agencies and I</p> <p>4 believe St. Louis County and St. Louis City SWAT</p> <p>5 officers, their sergeants attended that technology</p> <p>6 seminar that we did and I think the request for training</p> <p>7 precipitated from those relationships or their interest</p> <p>8 in the new technology.</p> <p>9 Q. What other agencies did you provide sniper</p> <p>10 training for?</p> <p>11 MR. DOWD: I have to object. This has been</p> <p>12 asked and answered numerous times.</p> <p>13 MS. MCGOWAN: Well, Mr. Dowd, the training is</p> <p>14 listed on his Affidavit which he submitted, the</p> <p>15 Plaintiffs have submitted in response to the City's</p> <p>16 Summary Judgment Motion, so I -- I believe --</p> <p>17 MR. DOWD: You've been over --</p> <p>18 MS. MCGOWAN: -- witness at issue --</p> <p>19 MR. DOWD: -- all of this when you went over</p> <p>20 his C.V. You went over it all already.</p> <p>21 (Questions by Ms. McGowan)</p> <p>22 Q. Well, Mr. Andrews, your Affidavit states that</p> <p>23 you performed sniper training for ten agencies and so far</p> <p>24 I've heard you list --</p> <p>25 A. Uh-huh.</p>	<p>1 have a slot in the class. If the class isn't full, we</p> <p>2 put them in the class when they send us a check. That's</p> <p>3 how it works. There's no -- There's no long-term</p> <p>4 contract for training.</p> <p>5 Q. Okay.</p> <p>6 A. It's all --</p> <p>7 Q. Do you --</p> <p>8 A. -- done on a -- on a subject matter</p> <p>9 course-specific basis based on their needs.</p> <p>10 Q. From time to time, you've trained individuals</p> <p>11 who were members of these law enforcement agencies;</p> <p>12 correct?</p> <p>13 A. Many, many, many times. Hundreds and hundreds</p> <p>14 of hours.</p> <p>15 Q. Have you ever been brought in by any of the</p> <p>16 police academies and provided training in the context of</p> <p>17 a police academy?</p> <p>18 A. No, our training is so much more advanced than</p> <p>19 what they teach in the police academy, we wouldn't bother</p> <p>20 with that. The academies have that covered and they have</p> <p>21 a culture and they stick to their culture based on their</p> <p>22 liability and legal experiences. We provide specialized</p> <p>23 training to SWAT teams. And we did some patrol rifle</p> <p>24 classes for Jefferson County for regular officers, but</p> <p>25 that's not academy, that's not beginners; that's</p>

<p style="text-align: right;">Page 106</p> <p>1 experienced police officers in that course. 2 Q. Do you possess a police instruc- -- instructor 3 license from POST? 4 A. No, I think the licensure is done by the 5 course, not by the instructor. 6 Q. Okay. 7 A. There may be a POST certification to 8 instruction, but I don't possess it. 9 Q. Okay. And I'll tell you I'm -- I'm looking at 10 the Missouri Department of Public Safety website and it 11 states that, "An individual may obtain an instructor 12 license application by contacting one of the licensed 13 basic training centers. Applicants must be sponsored by 14 a licensed basic training center." Do you possess that 15 license? 16 A. No, have no need for that. Our training is 17 more specialized than that. 18 Q. At any point, did you teach any of the SWAT 19 team members who participated in your courses how to 20 reconstruct a shooting incident scene? 21 A. No, we don't do crime reconstruction training. 22 We talked about that. 23 Q. Did you provide any literature or hand out 24 materials during any of these courses? 25 A. Of course.</p>	<p style="text-align: right;">Page 108</p> <p>1 A. Yes, we talked about those, too. Talked about 2 the terminal ballistics training, the weapons cleaning 3 training. We haven't talked about the ballistic testing 4 we did for St. Louis City in 2011. 5 Q. We'll get there. 6 A. Okay. 7 Q. Terminal ballistics training, how long was 8 that training? 9 A. I think about three hours, four hours. 10 Q. Did you ever instruct any law enforcement 11 snipers on how to measure bullet -- 12 (Dog barking.) 13 Q. -- holes with calipers? 14 A. Hold on one second, please. I have some 15 Pit Bulls that are upset about someone being at the front 16 door. 17 (At this point, an off-the-record discussion 18 was had.) 19 VIDEOGRAPHER: At 2:11 p.m., we are going off 20 the record. 21 (At this point, there was a break taken from 22 2:11 p.m. to 2:20 p.m.) 23 VIDEOGRAPHER: At 2:20 p.m., we are back on 24 the record in the deposition of L. Samuel Andrews. 25 (Questions by Ms. McGowan)</p>
<p style="text-align: right;">Page 107</p> <p>1 Q. Do you have copies of that material? 2 A. You know, that was a long time ago. I -- I 3 may. I may or may not have some old copies sitting in 4 the bottom of a box somewhere. We've been through two 5 floods and -- and a lot -- in 20 years since then, so I'm 6 not sure that -- ten or 20 years, so I'm not sure how 7 much of that survived. 8 Q. And I apologize if this seems repetitive, but 9 I'm just trying to understand. The only SWAT sniper 10 training you did occurred in 2001? 11 A. I'm not sure about the exact dates. I think 12 it was around -- it -- it was around 2000, 2001. That's 13 not the only training we did, but that's some training we 14 did. 15 Q. And did you do one session? Can you describe 16 for me the -- the length -- 17 A. Well -- 18 Q. -- of these -- 19 A. -- I -- 20 Q. -- courses? 21 A. You asked me that. I told you it was a 22 five-day course, the one we spoke about specifically 23 around 2000, 2002; somewhere in there. 24 Q. One five-day course. Any other separate 25 courses?</p>	<p style="text-align: right;">Page 109</p> <p>1 Q. Mr. Andrews, when we went on break, I realize 2 I left a question pending and my question was whether you 3 ever had occasion to teach any SWAT team members during 4 this training how to use a caliper to measure bullet 5 holes. 6 A. Yeah, we did some of that in the terminal 7 ballistics class -- 8 Q. Okay. 9 A. -- for St. Louis City. 10 Q. What did that involve, in what context? 11 A. Well, most police officers are not trained in 12 engineering or machining practices and, so, a lot of them 13 didn't even know how to read a caliper or operate it, so 14 it starts with zeroing the instrument properly so that 15 you have a proper baseline for the instrument measuring 16 and then it goes into how to use a temperature-controlled 17 ground piece of metal. It's called a gauge. And, so, if 18 you have a one-inch gauge, it's supposed to read 1.00 19 when you properly measure that with the caliper. And, 20 so, you learn how to zero the caliper, you learn how 21 to -- how to test it with a gauge and make sure it's 22 measuring properly, and then you learn how to properly 23 measure the hole and how to hold things so that you don't 24 increase the temperature of the area you're measuring 25 because even your body heat can make a metal part or</p>

<p style="text-align: right;">Page 110</p> <p>1 something grow. We call that the coefficient of thermal 2 expansion. And, so, we don't want that to interfere with 3 the accuracy of the measurement and, so, we go through 4 the basic fundamental procedures on how you measure with 5 calipers and with what we call micrometers, which are 6 even more accurate than calipers.</p> <p>7 Q. Why were you training SWAT team members to 8 measure bullet holes with calipers, what was the purpose?</p> <p>9 A. They asked. They wanted to know.</p> <p>10 Q. Okay, informally; that wasn't a topic you had 11 planned on teaching at the outset?</p> <p>12 A. No, when we go into terminal ballistics, we 13 do -- we do teach that normally, whether they ask for it 14 or not, but they specifically requested that. And I 15 don't know if it was a curiosity about handloading or if 16 it was curiosity about Eric, who had just been shot, or 17 the autopsy that they had just done on the perp that they 18 shot on one of the -- one of the warrants served, but 19 there was a lot of curiosity about bullets and 20 projectiles and holes from St. Louis City SWAT because a 21 couple of the warrants that they had served in recent -- 22 in the very recent past.</p> <p>23 Q. And what were you doing measurements on, what 24 material were you performing these measurements on?</p> <p>25 A. Oh, we did it on cardboard, we did it on</p>	<p style="text-align: right;">Page 112</p> <p>1 there's the physical going out on the range and 2 witnessing it for yourself so that you understand the 3 principles and see it for yourself. So, it -- it happens 4 in both places for very specific reasons.</p> <p>5 Q. Did you teach external or terminal ballistics 6 when immediate targets were involved?</p> <p>7 A. I'm not understanding your definition of 8 "immediate." Could you be a little more definitive 9 there?</p> <p>10 Q. I suppose close range targets.</p> <p>11 A. So, in close quarters battle, we rely more on 12 the terminal ballistics instruction and less on the 13 trajectory instruction because the bullets are very 14 straight-line inside 30 yards. Gravity doesn't have much 15 time or distance to affect them, so we don't spend a lot 16 of time on trajectory, but much more on the terminal 17 side.</p> <p>18 Q. So, turning back to Exhibit B, your Affidavit, 19 when that's back up, you state in Paragraph 1 that in the 20 early 2000 time frame, one of your companies retrofitted 21 six Remington 700 sniper rifles, removing their scopes 22 and mounts, and replaced them with higher quality 23 Nightforce scopes and mounts?</p> <p>24 A. Yes, ma'am.</p> <p>25 Q. And I wanted to ask you some questions about</p>
<p style="text-align: right;">Page 111</p> <p>1 paper, we did it on walls, we've done it on ballistic 2 gelatin, we -- you know, a bunch of different surfaces so 3 they get sort of a broad range of how bullets interact 4 with materials when they impact them.</p> <p>5 Q. And did you teach anybody trajectory 6 determinations during the SWAT team training?</p> <p>7 A. Well, in the sniper training, that's 8 mandatory. You've got to have an intimate understanding 9 of trajectory, bore line, sight line, how they interact, 10 how bullets change direction when they hit different 11 medium. That's absolutely critical in the understanding 12 of how to control your projectile --</p> <p>13 Q. How about --</p> <p>14 A. -- because you --</p> <p>15 Q. Oh, sorry, go ahead. I interrupted.</p> <p>16 A. Well, not all bullets hit their target, so 17 from -- you have to -- one of the fundamentals is you 18 have to know your foreground, your background, your 19 surrounding area, and if you miss, you have to be able to 20 properly assess the risk involved in missing if you're 21 firing at a perp.</p> <p>22 Q. Was this on the range or was this in a 23 classroom setting?</p> <p>24 A. Both, 'cause there's instruction on the white 25 board, there's instruction in the handouts, and then</p>	<p style="text-align: right;">Page 113</p> <p>1 that.</p> <p>2 A. Sure.</p> <p>3 Q. So, essentially, what company did you perform 4 that work with?</p> <p>5 A. It would either be A.M. & P.M. or 6 A.R. Tactical. I suspect that would have been under 7 A.R. Tactical.</p> <p>8 Q. Essentially, you were replacing old scopes and 9 mounts with a mount and scope that were higher quality; 10 correct?</p> <p>11 A. They weren't old; they were just not very 12 good. Low quality.</p> <p>13 Q. All right. Pre-existing scopes and mounts --</p> <p>14 A. So --</p> <p>15 Q. -- with --</p> <p>16 A. -- here was --</p> <p>17 Q. -- different --</p> <p>18 A. -- here was --</p> <p>19 Q. -- ones?</p> <p>20 A. -- here's what precipitated that particular 21 contract -- that particular work. Jerome Klipfel, the 22 sergeant, and Lieutenant Bob Cooney both had complained 23 profusely to me about the sniper weapon systems riding 24 around in the trunks of cars and then pulling them out 25 after 30 days to verify zeros and the zeroes of the</p>

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1 weapon systems wandering and not being where they zeroed
2 them when they put them in the trunk and I explained to
3 them the erector tube problem with the Leupold scopes and
4 the mount systems were inferior and were vibrating loose
5 and I gave them a fix for that and we made their
6 wandering zero problem go away.

7 Q. So, just to be clear, you replaced
8 pre-existing scopes and mounts with higher quality scopes
9 and mounts?

10 A. We went from two-piece mounts and cheap rings
11 to one-piece mounts that were epoxy bedded to the
12 receivers and high quality sturdy tactical quality rings
13 and a scope that was probably four times the price of the
14 scope they had.

15 Q. Did you personally perform this work or did
16 someone at -- someone else perform the work at one --

17 A. I --

18 Q. -- of your --

19 A. -- actually --

20 Q. -- companies?

21 A. I personally performed the sniper weapon
22 system work.

23 Q. And then did you sell any other equipment to
24 the St. Louis Metropolitan Police Department?

25 A. Yes, I've sold a number of things to them over

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1 running.

2 Q. Did anyone discuss with you whether or not
3 they were happy with the purchase?

4 A. Yeah, Lieutenant Mike Deeba said they were the
5 most amazing weapon systems they'd ever had, certainly
6 the most accurate they'd ever used. And there was one
7 issue, I think we got some Loctite on a trigger and they
8 had problems with the trigger reset on one of the guns,
9 but we pulled the pin out and cleaned up the Loctite that
10 had squeezed out and -- and freed that up so the trigger
11 could reset properly. I won't say there wasn't a single
12 issue, but overall, they told me they were absolutely
13 amazing and incredibly accurate.

14 Q. Did they make additional purchases?

15 A. From me?

16 Q. Yes.

17 A. After the sniper weapon systems?

18 Q. Correct.

19 A. After the semi-autos? No, I think Ferguson
20 came along pretty soon after that and I think that the
21 law enforcement agencies locally in St. Louis took a
22 completely different attitoward (sic) -- attitude towards
23 me and my company after we went up on the rooftops and
24 guarded businesses and people sleeping in apartments in
25 Ferguson. It didn't help my law enforcement business,

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1 the years. We've done better triggers for their AR-15s.
2 I know they don't use those much anymore. They've gone
3 to the 416. But we did -- Back then, all they had were
4 hand-me-down AR-15s and, so, we pleased them with more
5 accurate barrels, we replaced their iron sights with red
6 dot sights. We changed the stocks. We changed the
7 triggers to higher quality triggers. We basically
8 accurized their weapon systems.

9 Q. When did you replace the triggers?

10 A. My memory's not that good, I'm sorry. I just
11 can't remember.

12 Q. And when did you perform the other work you've
13 just described?

14 A. Well, I think that the sniper weapon system,
15 the scope stuff, was the earliest stuff, so that could
16 have been as early as 1999, maybe 2001, 2002, somewhere
17 in that time frame, and then we did the AR work
18 subsequent to that and then we built them I think, if I
19 remember, five or six AR-10s around the 2011 time frame.
20 I think there was an organization that fundraises for
21 police agencies and they paid the bill and we made them
22 six semi-auto sniper weapon systems and I think we
23 transferred the scopes that we put on the bolt guns to
24 the new semi-auto sniper weapon systems. And as far as I
25 know, those -- those weapon systems are still up and

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1 I'll just tell you that.

2 MR. DOWD: I'm going to -- I'm going to object
3 to the que- -- the answer as being nonresponsive.

4 Q. And by, you're referring to your work with
5 YETI, I believe, or the Oath Keepers?

6 A. (No response.)

7 Q. Oath Keepers; correct?

8 A. Well, there were some Oath Keepers in
9 Ferguson, not very many, though. Most of them were my
10 friends.

11 Q. Okay. And when you went -- You referred to
12 guarding property in Ferguson. What months of two
13 thousand -- When did you do that?

14 A. I want to say if you remember when the
15 Michael Brown case was waiting for the grand jury
16 announcement, and I think that came on a Monday night and
17 it was the Monday before Thanksgiving in 2014, and as I
18 recall, we were there Monday, Tuesday, Wednesday,
19 Thursday for about three weeks.

20 Q. And you were associated with the Oath Keepers
21 at that point in time; correct?

22 A. Well, the -- the Oath Keepers tried to
23 associate me with them, but, you know, I -- they sent a
24 few people to help out. We turned a lot of them
25 away 'cause they weren't qualified. And there were four

30 (Pages 114 to 117)

<p style="text-align: right;">Page 118</p> <p>1 or five that were, so we let them help.</p> <p>2 Q. Who were the Oath Keepers, what is that</p> <p>3 organization?</p> <p>4 A. It's a crooked organization run by a guy.</p> <p>5 What is his name? I'll think of his name in a second.</p> <p>6 Stewart Rhodes. And this guy created a patriot</p> <p>7 organization to self-enrich himself and basically lied</p> <p>8 and scammed people out of hundreds of thousands of</p> <p>9 dollars.</p> <p>10 Q. All right, and then I've -- I've seen that</p> <p>11 you're also associated with a group you referred to as</p> <p>12 YETI. What is YETI?</p> <p>13 A. YETI was a Facebook page that we put up</p> <p>14 that -- that stood for You Exterminating Tyrant Ideology</p> <p>15 and we did it as a satire site.</p> <p>16 Q. Did you ever hold a leadership position in</p> <p>17 Oath Keepers?</p> <p>18 A. Well, they tried to get me to be the leader of</p> <p>19 the Missouri Oath Keepers and I declined, you know, but</p> <p>20 they -- I think they listed me on the website for a few</p> <p>21 months, but I never accepted the position and, honestly,</p> <p>22 I just don't even want to be associated with them under</p> <p>23 any circumstances ever.</p> <p>24 Q. Did you provide any interviews to news -- news</p> <p>25 outlets or journalists where you claimed an association</p>	<p style="text-align: right;">Page 120</p> <p>1 Q. What did they --</p> <p>2 A. And the on-</p> <p>3 Q. -- tell people?</p> <p>4 A. I don't -- You know, I -- I think -- I think</p> <p>5 they had me listed as a state leader or something like</p> <p>6 that. And the only reason they did that is because I was</p> <p>7 the guy leading the operation in Ferguson that they sent</p> <p>8 a few people to, but there were 80 people involved in</p> <p>9 that. Only about four or five of them were Oath Keepers.</p> <p>10 Oath Keepers has a way of trying to commandeer every</p> <p>11 situation and get as much media as they can and I agreed</p> <p>12 to -- to bring them up in my media interviews to get them</p> <p>13 some media exposure and I regretted doing it, frankly.</p> <p>14 Q. So, you've testified that Oath Keepers listed</p> <p>15 you on their website at some point in time without your</p> <p>16 permission as -- as a --</p> <p>17 A. I never --</p> <p>18 Q. -- I- --</p> <p>19 A. I -- Yeah, I never --</p> <p>20 Q. -- leader?</p> <p>21 A. -- gave them permission to list me as a state</p> <p>22 leader.</p> <p>23 Q. A state leader?</p> <p>24 A. You know, they just -- they did that.</p> <p>25 Q. Did you, yourself, ever identify you, your --</p>
<p style="text-align: right;">Page 119</p> <p>1 with Oath Keepers?</p> <p>2 A. Hundreds. Hundreds during the Ferguson. I</p> <p>3 was interviewed by China, Russia, France, Spain,</p> <p>4 Great Britain, Sky News, Fox News, NBC, ABC, you name it.</p> <p>5 Every internet news agency and every big national news</p> <p>6 agency wanted to talk to me for about a three-week period</p> <p>7 of time.</p> <p>8 Q. And did you ever represent yourself as a</p> <p>9 member of the Oath Keepers or part of the leadership</p> <p>10 group?</p> <p>11 A. Well, I originally sent them some money to</p> <p>12 join Oath Keepers and, so, the answer shortly is yes.</p> <p>13 They never sent me a membership card, they never sent the</p> <p>14 things they said they were going to send and I pretty</p> <p>15 quickly distanced themselves -- distanced myself from</p> <p>16 them because of some of the corruption I saw involved in</p> <p>17 the organization. So, in the short term, the answer is</p> <p>18 yes; in the long term, try to get as far away from those</p> <p>19 people as I could.</p> <p>20 Q. So, just to make sure I understand, you did or</p> <p>21 did not hold a leadership position with Oath Keepers at</p> <p>22 any point in time?</p> <p>23 A. Technically, no. Now, they listed me as a</p> <p>24 Missouri State leader, but I never accepted the position.</p> <p>25 They just told people that.</p>	<p style="text-align: right;">Page 121</p> <p>1 Did you, yourself, ever identify yourself as a Oath</p> <p>2 Keeper leader in interviews with journalists?</p> <p>3 A. Well, the interviews that I did with</p> <p>4 journalists were surrounding the Ferguson riots and</p> <p>5 events and, so, I absolutely did identify as an Oath</p> <p>6 Keeper and as the person leading the operation in</p> <p>7 Ferguson, but not specifically. You know, now did -- did</p> <p>8 media people print Oath Keeper leader says this or that?</p> <p>9 Of course they did. But it wasn't something that I laid</p> <p>10 claim to; it was something that media people printed</p> <p>11 because they -- they felt like it or Stewart Rhodes told</p> <p>12 them that or it wasn't something that -- that I -- that I</p> <p>13 necessarily wanted or pursued.</p> <p>14 Q. Under what circumstances did your association</p> <p>15 with the Oath Keepers come to an end?</p> <p>16 A. When I outed Stewart Rhodes for some of the</p> <p>17 racist e-mails that he sent me, the leader of Oath</p> <p>18 Keepers. I had talked to both he and the vice president,</p> <p>19 Steve Homan, about arming people, law abiding citizens,</p> <p>20 and training them on how to defend themselves properly</p> <p>21 with firearms and Stewart was angry. He sent me an</p> <p>22 e-mail saying you can't be training black people with</p> <p>23 firearms because I'm getting pushback from my police</p> <p>24 officer members and this is costing me a lot of money.</p> <p>25 And I sent that e-mail to a -- a reporter for the</p>

<p>Page 122</p> <p>1 New York Times and he published a story about it and 2 the -- the whole thing blew up and it was just kind of 3 funny. 4 Q. And you cited your involvement with the Oath 5 Keepers, your association, as a reason that you believe 6 that the St. Louis Metropolitan Police Department no 7 longer ordered equipment from you; is that true? 8 A. I can tell you this: I probably sold 40 to 50 9 thousand dollars worth of stuff every year to police 10 departments back in 2010, '11, '12, '13 kind of thing, 11 and as soon as Ferguson was over, I closed my business 12 for three weeks to go up there and guard people, and as 13 soon as I got back, I never saw another police officer 14 other than a state trooper, who was my friend, walk 15 through the door of my business, so the timing would be 16 incredibly conspicuous if it wasn't that. I wouldn't 17 under -- I wouldn't have an explanation if it wasn't 18 that. 19 Q. Okay. Just to recap a few things, how many 20 separate presentations did you give to the St. Louis 21 Metropolitan Police Department SWAT team in 2001? 22 A. I -- I don't -- I can't give you a number. 23 That's too far back. My memory's not that good. 24 Q. So, were these presentations provided as part 25 of any kind of purchase agreement? Were they made in --</p>	<p>Page 124</p> <p>1 was generally three to five hundred dollars a day 2 depending on what we were doing and what we had to pay 3 the range. If it was training at the St. Louis City 4 range that used -- that was still open back then, it was 5 less than it was if we had to rent Bench Rest Rifle Club, 6 you know, a section of that club for training. It just 7 depended. And then we also trained out at the facility 8 at Highway 94 and 40, the Federal facility that's 9 southwest of that intersection that's all blocked out on 10 Google Earth. You can't see it 'cause it's sensitive. 11 We did some -- 12 Q. And what is the name of that facility? 13 A. I don't know the exact name, but it's -- it's 14 the only Federal facility out there south of the high 15 school, Francis Howell, south of 40 and we did a couple 16 days of training out there with St. Louis City SWAT as 17 well. 18 Q. When you provided these courses, did you 19 administer a pretest and a posttest to determine whether 20 or not the students had absorbed the materials you 21 presented? 22 A. Normally we don't do a pretest because 23 Sergeant Klipfel and -- and Bob Cooney had a pretty good 24 idea of where the skills were of each operator, but we 25 almost always did a posttest. There was always -- almost</p>
<p>Page 123</p> <p>1 A. So -- 2 Q. -- connection with a sale you made to the 3 Police Department? 4 A. So, there's probably three different 5 categories you could put all of those in. There's the 6 situation where I would sell them equipment and they 7 would request training on that specific equipment. 8 There's situations where they would request training on a 9 specific subject matter; night vision, thermal, CQB 10 tactics, patrol rifle tactics. There's a situation where 11 Sergeant Klipfel would call me and say, Hey, we've got a 12 training day at Bench Rest. Bob Cooney can't make it. 13 Will you come up and help me run the training for that 14 day? Now, on probably two-thirds of those days, I would 15 get a check from St. Louis City PD sent to either 16 A.M. & P.M. or A.R. Tactical. On a few of those, I just 17 told Jerome don't worry about it, enjoyed spending the 18 day with you, we got some good stuff done in the 19 training, let's just call it good. And sometimes he 20 would give me ammo, say, Here, here's a box of .223. 21 Thanks for coming out. 22 Q. In circumstances where you were paid for 23 providing -- for giving those presentations, how much 24 were you paid? 25 A. I can't even recall. It was generally -- It</p>	<p>Page 125</p> <p>1 always a course that we wanted to see them reach a 2 certain standard on as far as proficiency and percentage 3 of hits. 4 Q. All right, and you said you were not sure if 5 you still have any of the course material that you 6 provided to the St. Louis SWAT team -- 7 A. Yeah, I just -- 8 Q. -- in storage? 9 A. -- don't -- I just don't know how -- I had 10 four feet of water in my business in Eureka twice, in 11 2016 and 2017, and I just don't know how much of that 12 paperwork survived. I've still got boxes from the move 13 that I haven't even looked at. It's possible. I just -- 14 I just haven't dug that deep. 15 Q. Okay. We've talked about the training that 16 you provided in 2001 and I see also that you state that 17 you provided terminal ballistics tests -- you conducted 18 terminal ballistics tests with the SLMPD in 2010 to 2012. 19 A. Somewhere in there, yes, ma'am. I have 20 pictures from that training as well that I found the 21 other day if you're interested. 22 Q. Who's depicted in those photographs; do you 23 know? 24 A. Ser- -- Sergeant Klipfel, five to eight 25 members of the SWAT team, Lieutenant Deebe, the armorer</p>

<p style="text-align: right;">Page 126</p> <p>1 at the time. I think his name was Bill. He's in some of 2 the pics. We've got the ballistic gelatin in the pics. 3 We -- 4 Q. Where -- 5 A. We had -- They had a problem with a shoot 6 where their .223 ammo overpenetrated a perp and didn't 7 perform and they had to shoot like 30 times at this guy 8 on a couch who kept shooting back at them. Eric was hit 9 in the incident. There's an officer named Eric in the 10 SWAT team, a African-American operator, really good guy, 11 and he was -- he was hit by a couple of the shots from 12 the handgun and Jerome was incensed that the ammunition, 13 the 5.56 hits that the SWAT team placed on the perp, 14 didn't keep him from shooting back and, so, he was deeply 15 concerned about the ammunition failure and that's when he 16 called for the ballistic gelatin test of the -- of the 17 ammo that St. Louis City was using at the time and it 18 actually precipitated a change in the ammo, the 19 information we got from that test. 20 Q. Now, where did you conduct these terminal 21 ballistics tests? 22 A. Wherever -- Wherever Jerome told me to go. 23 And I believe it was -- I think it was down south on 55 24 at a range south of St. Louis City. 25 Q. Did you perform any of these ballistic tests</p>	<p style="text-align: right;">Page 128</p> <p>1 A. I -- I can't recall. It was probably -- It 2 was -- It was either something small like three to five 3 hundred bucks or it was something that I did gratis to 4 help the -- the team because they had Eric get hurt and 5 nobody wanted to see that happen again. 6 Q. Now, do you have any documentation where 7 you've listed or memorialized the dates where you 8 provided any of the -- did any of these ballistics tests 9 or performed any training with the -- 10 A. I have photo- -- 11 Q. -- officers? 12 A. -- graphs of the test, I mean, with all the 13 officers there and myself there. I mean I can certainly 14 try to get those to Mr. Dowd and he can send them to you. 15 Q. What -- 16 A. But -- 17 Q. What -- 18 A. -- I don't keep paperwork that's ten years 19 old, ma'am. Not even the -- 20 Q. What -- 21 A. -- IRS requires me to keep paperwork for ten 22 years. 23 Q. What format are those photographs in, are 24 they -- 25 A. They're di- --</p>
<p style="text-align: right;">Page 127</p> <p>1 at your -- your own home? 2 A. No, we -- 3 Q. Or your own property? 4 A. No, we made the ballistic gelatin at Jerome's 5 house the evening before. We made like ten or 12 gel 6 blocks. And then we went to the range off of 55, as I 7 recall, early in the morning and we calibrated them 8 properly and then conducted the test. None of this was 9 done at my house. 10 Q. Did you ever have any members of the SWAT team 11 or any members of the St. Louis Metropolitan Police 12 Department to your property in Wildwood? 13 A. Many times. 14 Q. When did that occur? 15 A. Oh, from 1999 to two thousand and -- and ten 16 or eleven. Till -- Till Jerome Klipfel retired, whatever 17 year that was. 18 Q. Did you have a contract with the St. Louis 19 Metropolitan Police Department to provide the terminal 20 ballistics tests? 21 A. Like I said, we don't do this type of stuff on 22 contracts. We -- We do an agreement: Can you do this 23 for this amount? Okay, I'll have someone in Accounting 24 get you a check. That's how it was done. 25 Q. How much were you paid for this work?</p>	<p style="text-align: right;">Page 129</p> <p>1 Q. -- digital or -- 2 A. They're digital. 3 Q. So, it sounded like there was an issue 4 occurring with the ammunition where it was 5 overpenetrating a target; did I under- -- 6 A. Yes, ma'am. 7 Q. -- stand that right? 8 A. Yes, ma'am, the bullets were too hard, so they 9 were passing through the perp and leaving their energy in 10 a wall or going through a window and winding up in the 11 neighbor's house kind of thing and that's a bad deal for 12 a SWAT team. We don't want overpenetration. We want the 13 energy of the bullet going into the perp and keeping them 14 from firing back. 15 Q. And the weapons that were being used at this 16 point in time, those were the weapons systems that you 17 had sold the SWAT team? 18 A. No, that -- Okay, so, there's a little bit of 19 confusion maybe on your part. The sniper weapon systems 20 that I sold the SWAT team weren't the issue on the raid. 21 They don't carry long arms into a house when they do a 22 raid. The issue was with the .223 and the 9 mil. ammo 23 that was used at close quarters range on serving a 24 warrant in a home. And I think they breached the front 25 door and I think there was a guy laying on the sofa</p>

<p>Page 130</p> <p>1 shooting a .45 at the officers and they hit Eric three 2 times the way Cooney tells the story and Bob said I 3 stepped in the doorway and fired four rounds. Other 4 officers had hit this guy multiple times and not stopped 5 him, he was still shooting. And when Cooney hit him four 6 times, he finally stopped firing. And I think there was 7 over 30 bullets in this guy or through this guy and 8 Jerome was really upset about it. He called me from the 9 autopsy room and said we have to talk and we're going to 10 have to do a test and figure this out, and that's what 11 precipitated the ballistic gelatin test around 2010 or 12 '11.</p> <p>13 Q. So, it's your testimony that the weapons that 14 were being used when the ammunition was overpenetrating 15 targets was not being fired through any weapon system 16 that you provided to the SWAT team?</p> <p>17 A. I think that -- I think the weapons that they 18 used were .223s that they had purchased from H&K and some 19 of the hand-me-down ARs that fired .223. Now, they've 20 got all new weapon systems now. This was back in 2010. 21 So, none of the -- I don't think any of these weapons did 22 I provide to St. Louis. Now, I may have put a red dot 23 sight on it or something like that, but I don't think 24 these are weapons that my company built. I didn't 25 originate the serial number. I think these were things</p>	<p>Page 132</p> <p>1 Was it as good as the powdered tungsten stuff we sold 2 the SEALs? No, but it was cost-effective and it worked 3 way better than what they had.</p> <p>4 Q. Now, with regard to your recommendation for 5 the Hornady; Do I have that right? How do you spell 6 that?</p> <p>7 A. H-o-r-n-a-d-y.</p> <p>8 Q. Is that the same ammunition that was being 9 utilized by the SWAT team on the day of the 10 officer-involved shooting that we're here to discuss?</p> <p>11 A. Well, when I looked at the evidence of the 12 brass cases that I saw, some of them did say -- had 13 Hornady headstamps. Now, I can't tell you what 14 projectile was used, but I can tell you that the brass 15 was definitely Hornady.</p> <p>16 Q. Okay. So, we've spent some time talking about 17 your background. Is there anything -- Do you have any 18 other experience, training, qualifications which you 19 believe equip you to give an opinion in this 20 officer-involved shooting case?</p> <p>21 A. Ma'am, I've trained thousands of men on 22 firearms in my career, including military at Fort Polk, 23 and Fort Bragg, including police officers here in 24 Missouri and also in California with officers from states 25 all over the West. I've done contract engineering work</p>
<p>Page 131</p> <p>1 that they had bought from H&K. I think the G36s and some 2 of the AR-15s that they had hand-me-downs through 3 military programs, I think those were the weapons that -- 4 that were used on that particular scenario where Eric got 5 shot.</p> <p>6 Q. So, forgive me if you mentioned this, but what 7 ammunition changes were made on the basis of the data you 8 generated from the ballistics testing?</p> <p>9 A. So, my recommendation was that they go to a 10 Hornady round that had a more frangible bullet. The 11 armorer had some deal with Winchester and they were using 12 this Winchester Ranger .223 soft-point lead bullet and 13 this thing was just poking small holes and not 14 transferring any energy to the perp and it literally put 15 the officers at enormous risk. I mean it was a -- it was 16 a -- it was a bad deal. This armorer I think was 17 negligent in his selection of ammo. And, of course, he 18 had authority to choose the ammo. And Jerome and this 19 armorer would fight constantly about this problem. And 20 then when Eric got shot, Jerome, he blew his stack, he 21 was so angry about all of this, and that's what 22 precipitated the test and I recommended they go to a 23 Hornady frangible ammo and I think that's exactly what 24 they did and that ammo, of course, terminally performs 25 way better than the ammunition they had previously used.</p>	<p>Page 133</p> <p>1 for ammunition manufacturers. I've done research and 2 development with my own companies to develop effective 3 ammunition. I believe I sold thousands of rounds to the 4 police officers that work in the zoo to guard the 5 St. Louis City Zoo, ammo that I've manufactured. I've 6 done R&D on ammo that the highest speed SWAT teams and 7 Special Operations team use in the whole world and, so, 8 if I'm not qualified to talk about bullets, trajectories, 9 and -- and what works in a tactical environment from an 10 ammunition standpoint, I don't know who is. They come to 11 me for advice. I don't go to them for training.</p> <p>12 Q. All right, have we discussed all of that 13 training and experience that you claim is relevant to the 14 opinions you've rendered in --</p> <p>15 A. Every- --</p> <p>16 Q. -- this case?</p> <p>17 A. Everything that you've asked me about we've 18 discussed.</p> <p>19 Q. Okay. There's nothing we're leaving out?</p> <p>20 A. Ma'am, I've been doing this for the better 21 part of 35 years. I can promise you that I can't recall 22 every training scenario I've been, every person I've 23 trained, and every element of every course that I've 24 taught.</p> <p>25 Q. Have we covered --</p>

<p style="text-align: right;">Page 134</p> <p>1 A. No more --</p> <p>2 Q. -- all --</p> <p>3 A. -- than -- No more than you could recall what</p> <p>4 was said in law class back in 2005.</p> <p>5 Q. As you sit here today, do you believe that</p> <p>6 you've discussed all the training and experience you have</p> <p>7 that is relevant to crime scene investigation?</p> <p>8 A. Well, we haven't -- we haven't discussed any</p> <p>9 of the research and development that my company has done</p> <p>10 on terminal ballistics. We haven't discussed any of</p> <p>11 that. Those are long, dry technical descriptions. We --</p> <p>12 We haven't discussed any of the training that I've done</p> <p>13 that has to do with SWAT teams entering homes, when to</p> <p>14 call a compromise, when to not call a compromise, how to</p> <p>15 properly do a threat assessment, when to shoot, not to</p> <p>16 shoot, when to stop shooting. We haven't discussed any</p> <p>17 of that stuff and I've been teaching training like that</p> <p>18 to law enforcement agencies for the better part of three</p> <p>19 decades.</p> <p>20 Q. What type of research and development has --</p> <p>21 have you performed in your companies that you think is</p> <p>22 relevant to the opinions you've given in this case?</p> <p>23 A. Yeah, that's a great question because law</p> <p>24 enforcement culturally has traditionally gone with</p> <p>25 whatever the FBI chooses. The FBI has a huge budget.</p>	<p style="text-align: right;">Page 136</p> <p>1 to people like the Secret Service and the SEAL teams and</p> <p>2 the SWAT teams to alleviate these overpenetration and</p> <p>3 underpenetration scenarios.</p> <p>4 Q. Okay, sir, I -- I'm not --</p> <p>5 A. Does -- Does --</p> <p>6 Q. -- sure you've answered --</p> <p>7 A. -- that answer your --</p> <p>8 Q. -- my question.</p> <p>9 A. -- question?</p> <p>10 Q. I don't think so. Let me try again. What</p> <p>11 research and development has your company performed, your</p> <p>12 companies, that is relevant to crime scene investigation</p> <p>13 or the opinions you've rendered in this case?</p> <p>14 A. Well, all of the terminal ballistics testing</p> <p>15 which we've done, which I just talked about, is very</p> <p>16 relevant. The threat assessment training that we've done</p> <p>17 and the R&D that we've done with instructors trying to</p> <p>18 find solutions to threat assessment situations --</p> <p>19 Q. Okay.</p> <p>20 A. -- are all --</p> <p>21 Q. When you said --</p> <p>22 A. -- relevant.</p> <p>23 Q. -- "threat assessment training," are you</p> <p>24 referring back to the training you provided to the SWAT</p> <p>25 team?</p>
<p style="text-align: right;">Page 135</p> <p>1 So, when the FBI does a test and says we like this</p> <p>2 handgun ammo or we like this rifle ammo or we recommend</p> <p>3 using bonded bullets when shooting through glass, most</p> <p>4 agencies don't have the budget to do their own test, so</p> <p>5 they simply go with what the FBI recommends.</p> <p>6 Now, my company has seen problem after problem</p> <p>7 after problem in police shootings where the ammunition</p> <p>8 either overpenetrated or underpenetrated and our goal was</p> <p>9 to provide information and technology and solutions to</p> <p>10 law enforcement agencies to alleviate the liability from</p> <p>11 overpenetration and to alleviate the risk to the officers</p> <p>12 from -- from underpenetration scenarios and, so, we've</p> <p>13 done enormous testing with various powders, bullets,</p> <p>14 twist rates of barrels, different mediums, different</p> <p>15 types of ballistic materials, shields, armor plates, soft</p> <p>16 armor, tested all of these things trying to come up with</p> <p>17 solutions that alleviate the overpenetration problems</p> <p>18 which puts the Department at risk of being sued and</p> <p>19 underpenetration problems like which what happened with</p> <p>20 Eric, you know, where you had either an overpenetration</p> <p>21 or underpenetration scenario. The energy wasn't being</p> <p>22 transferred to the vital area of the perp and you get a</p> <p>23 police officer shot because of the poor selection of</p> <p>24 ammo. Now, thank God he survived, but the -- the bottom</p> <p>25 line is we've been highly motivated to provide solutions</p>	<p style="text-align: right;">Page 137</p> <p>1 A. Absolutely. And --</p> <p>2 Q. Is this --</p> <p>3 A. -- you know -- And also the develop- -- Go</p> <p>4 ahead. I'm sorry.</p> <p>5 Q. I'm asking about you cited research and</p> <p>6 development that your companies had performed. Besides</p> <p>7 the terminal ballistics, have --</p> <p>8 A. Let me give -- Let me give you an example:</p> <p>9 Threat assessment training. Do -- Do you remember the --</p> <p>10 the Philando Castile shooting up in Minnesota, do you</p> <p>11 recall that incident?</p> <p>12 Q. Let's describe it for the record. The</p> <p>13 jurors --</p> <p>14 A. Okay.</p> <p>15 Q. -- may not be.</p> <p>16 A. So, for the record, we have a non-criminal in</p> <p>17 a car that his girlfriend or wife is driving. The police</p> <p>18 officer suspects him as being an armed robber. He's not,</p> <p>19 but he's suspected because he looks like the perp and,</p> <p>20 so, he's pulled over. Now, the officer has choices to</p> <p>21 make in that scenario. He can position himself from</p> <p>22 behind cover, he can approach the window where he can</p> <p>23 reach the hands of the perp, or he can stand in no man's</p> <p>24 land, and, when he tells the guy to reach for his wallet,</p> <p>25 assume he's reaching for a gun and shoot an innocent man.</p>

<p style="text-align: right;">Page 138</p> <p>1 Now, obviously, standing in no man's land is not a good 2 solution. Either being on top of the perp where you can 3 control his wrists or being behind cover where you're not 4 at risk and you don't have to shoot until you see what 5 the guy pulls out are obviously two better solutions than 6 being in no man's land. And gaming these situations with 7 Simunitions, which is a specialized ammo we use for 8 training, is important to developing the proper tactics, 9 techniques, and procedures so that you don't kill 10 innocent people and you absolutely put the perp down 11 before he kills you because we want officers to go home 12 at the end of the day alive and well to their wife and 13 kids. And, so, gaming these situations, doing this R&D, 14 doing the R&D on the ammo and the terminal effects of the 15 ammo, doing the R&D on shooting through glass, shooting 16 through the sides of doors of cars, all of the things 17 that police officers are subjected to on a moment's 18 notice is absolutely critical to the survival of the team 19 and the operator making a decision that doesn't ruin his 20 own life. 21 Q. Sir, how is the terminal ballistics training 22 and experimenting that you did relevant to your opinions 23 in this matter? 24 A. Well, if -- if you're going to shoot into the 25 bedroom of someone you can't see and you're going to</p>	<p style="text-align: right;">Page 140</p> <p>1 MS. MCGOWAN: Yes, Richard. 2 MR. DOWD: I am going to, if I can stop 3 coughing, I'm going to object to the form of these 4 questions. They call for narratives. The responses 5 are -- are not responsive to the question in that 6 the questions request limited information and you're 7 allowing him to -- to narrate, which is not 8 appropriate in a depo- -- in a discovery deposition 9 circumstance. That's my objection. For some 10 reason, you-all could not hear me. I -- I was 11 actually yelling at my computer, so that's my 12 objection for the record. 13 (Questions by Ms. McGowan) 14 Q. All right, I believe my question was what was 15 the purpose of firing shots into drywall back in 2005. 16 A. To understand the penetration, overpenetration 17 and underpenetration scenarios of firing through walls 18 and how the duty ammo they were currently using was 19 affected by that medium. 20 Q. And, Mr. Andrews, you stated before that 21 you -- did you say you trained SWAT teams on entering 22 homes? 23 A. Yes, specifically with technology like night 24 vision and illuminators. 25 Q. When did that training occur?</p>
<p style="text-align: right;">Page 139</p> <p>1 shoot through the walls, you may want to know what that 2 bullet's going to do. I think it's very relevant, not 3 only -- 4 Q. And -- 5 A. -- for the safety of innocent people around, 6 but for the survival of the officer. 7 Q. Did you perform any tests with the St. Louis 8 Metropolitan Police Department in which you collected 9 data shooting into drywall? 10 A. Yes. I have pictures. 11 Q. When did that occur? 12 A. I think Jerome and I did that around 2005, 13 maybe 2008; somewhere in that time frame. We -- We hung 14 up double layers of drywall, single layers of drywall. 15 We hung up solid doors, hollow doors and fired their duty 16 ammo through that and that's part of what precipitated 17 his arguments with the armorer who chose their .223 ammo. 18 And that was before we did the ballistic test, so I'm 19 pretty sure that was long before 2010. 20 Q. Okay -- 21 MR. DOWD: I have -- 22 Q. -- what was the purp- -- 23 MR. DOWD: I have -- Let me -- Can I be heard? 24 I've been objecting and not being -- there's been no 25 response. Can you-all hear me?</p>	<p style="text-align: right;">Page 141</p> <p>1 A. Oh, somewhere between '97 and 2007, you know, 2 with -- 3 Q. And -- 4 A. -- vari- -- various groups. 5 Q. Various groups? 6 A. St. Louis City was one of those that we had -- 7 we had some -- some knowledge transfer with on those 8 issues. 9 Q. When you say knowledge transfer on those 10 issues, what do you by that? 11 A. Training. 12 Q. Where did that training occur? 13 A. Sometimes it would occur at the St. Louis City 14 range, sometimes it would occur at Bench Rest Rifle Club. 15 We did some of -- some of that stuff there were -- there 16 are homes, abandoned homes, that the SWAT teams 17 occasionally would go and run exercises at. 18 Q. Did you participate in any of those exercises 19 at abandoned homes? 20 A. Yes. 21 Q. Who was present with you during that? 22 A. Bob Cooney I remember was there. 23 Q. How is it that you are qualified -- You 24 testified that you, yourself, have never been -- worked 25 as a law enforcement officer and you, yourself, have</p>

<p style="text-align: right;">Page 142</p> <p>1 never been the member of a SWAT team. How is it that you 2 are qualified to teach members of the SWAT team how to 3 execute an entrance into a home? 4 MR. DOWD: Objection. It has been asked and 5 answered in a myriad of different ways. It has been 6 answered in a myriad of different ways. 7 Q. Mr. Andrews, subject to that objection, you 8 can answer. 9 A. Okay. My training. I'm much -- I -- I have 10 received much more firearms training than the average 11 SWAT officer. 12 Q. Have you ever received SWAT training, you, 13 yourself, received SWAT training? 14 A. You know, what you're doing is asking me a 15 question about techniques, but you're associating it to 16 only one group. SWAT teams aren't the only groups that 17 make entries into buildings. Marines do it, Army SF guys 18 do it, Navy SEALs do it, the Secret Service does it and I 19 have been involved in training with all of those types of 20 organizations. 21 Q. What type of training have you taken with the 22 Marines that involved the entrance into a home? 23 A. Well, for example, the 3rd, 24th Marines that 24 are basically stationed in St. Louis and in Terre Haute, 25 Indiana, conducted a large three-day training exercise</p>	<p style="text-align: right;">Page 144</p> <p>1 face. And, so, teaching them to cover their red dot 2 optics so that their red dot can't be seen, teaching them 3 to turn their illuminators off, teaching them to have an 4 infrared illuminator outside shining through a window to 5 illuminate for their night vision is a much safer way to 6 make entry and training SWAT people how to do that 7 enhances the safety of the SWAT officers making the entry 8 and that's one of the things that I taught the St. Louis 9 City PD. 10 Q. Have we discussed all of your relevant 11 training and experience? 12 A. Everything I can remember today that you've 13 questioned me about, yes. 14 MR. DOWD: Objection. 15 Q. Okay. 16 MR. DOWD: Overly broad and vague. Object to 17 form. 18 Q. All right. What are you charging the 19 Plaintiffs to provide expert testimony in this matter? 20 A. \$150 an hour. 21 Q. And how much have you billed so far to 22 Mr. Dowd or the Plaintiffs? 23 A. Roughly 8,000, I believe. 24 Q. Have you ever been designated before to 25 provide expert testimony in any other civil matters?</p>
<p style="text-align: right;">Page 143</p> <p>1 about 17 years ago at Indi- -- at Indianapolis, the City 2 of Indianapolis, at an abandoned mental hospital and 3 there was countersniper training and CQB training over a 4 course of three days. There's one example. 5 Q. Any others? 6 A. Yes, at Gunsite, at DARC with various other 7 groups. 8 Q. You said DARC? 9 A. Direct Action Resource Center. We talked 10 about that at the beginning. 11 Q. Any other training that we haven't discussed 12 today that you feel is relevant to your opinions in this 13 case and qualifies you to be able to give an opinion on 14 this incidents? 15 A. Yes. So, typical SWAT teams are not trained 16 in how to use night vision and illuminators and thermal 17 and I am trained on how to do that stuff and, so, 18 teaching people how to make a covert entry in the dark 19 without being seen with your night vision and 20 illuminators -- See, the SWAT officers, for example, in 21 St. Louis City had no idea that when they turned the 22 illuminators on on their night vision, that anyone 23 sitting in the dark inside can see their illuminator 24 glowing red and that would give their position 25 away 'cause that illuminator is positioned right by their</p>	<p style="text-align: right;">Page 145</p> <p>1 A. No. 2 Q. Have you ever been designated as an expert to 3 provide testimony in any criminal matters? 4 A. No. 5 Q. Have you been recognized as an expert in any 6 field by any Federal Court? 7 A. I don't believe so. 8 Q. And have you ever provided expert testimony in 9 any state court proceeding? 10 A. No. 11 Q. And I asked you some similar questions earlier 12 today, but please bear with me; I have a few more 13 specific questions. Have you ever worked in a law 14 enforcement laboratory analyzing evidence collected from 15 a crime scene? 16 A. No, but I've worked in labs, quality control 17 labs. They're very similar. 18 Q. And you're referring to your work at the -- 19 the -- at Powell River Laboratories and the -- 20 A. And -- 21 Q. -- print -- the printing press that you worked 22 at? 23 A. Powell River Laboratories and Mark Andy both. 24 They have plenty of testing equipment that I'm quite 25 familiar with.</p>

<p style="text-align: right;">Page 146</p> <p>1 MR. DOWD: For the record, we have been going</p> <p>2 for four hours and we still haven't gotten into any</p> <p>3 of Mr. Andrews' opinions. Rule 7 of the Federal</p> <p>4 Rules of Civil Procedure allows you seven hours and</p> <p>5 this deposition pursuant to that rule will end at</p> <p>6 the -- at the seventh hour for the record.</p> <p>7 MS. MCGOWAN: I'm hopeful we can wrap up by</p> <p>8 then and, if not, we'll seek leave.</p> <p>9 (Questions by Ms. McGowan)</p> <p>10 Q. Sir, do you have any experience conducting</p> <p>11 forensic ballistics in a laboratory setting?</p> <p>12 MR. DOWD: I'll object to the question as</p> <p>13 being vague.</p> <p>14 Q. And, sir, if you understand the question, you</p> <p>15 can answer.</p> <p>16 A. Can you define, give me a range of what you</p> <p>17 mean by "forensic"?</p> <p>18 Q. By forensic, I mean reconstruction, an</p> <p>19 examination of something that has occurred in the past, a</p> <p>20 crime scene examination --</p> <p>21 A. Ma'am, I've answered --</p> <p>22 Q. -- essentially.</p> <p>23 A. -- I've answered that question at least five</p> <p>24 times today.</p> <p>25 Q. Well, I specifically asked about a laboratory</p>	<p style="text-align: right;">Page 148</p> <p>1 I don't recall.</p> <p>2 Q. You do not possess any college degrees in</p> <p>3 physics, do you?</p> <p>4 A. No, but I'm fairly well versed in physics.</p> <p>5 Q. Okay. Do you possess any college degrees in</p> <p>6 biology?</p> <p>7 A. No.</p> <p>8 Q. How many shooting scene investigations have</p> <p>9 you performed prior to the investigation you performed in</p> <p>10 this case?</p> <p>11 A. As I recall, Jerome showed me some evidence</p> <p>12 from a couple of scenarios and then this one here, so I</p> <p>13 would -- I would imagine two or three. Three maybe.</p> <p>14 Q. Okay, when you say that Jerome, you're</p> <p>15 referring to Jerome Klipfel?</p> <p>16 A. Sergeant -- Sergeant Jerome Klipfel or --</p> <p>17 Q. And that's --</p> <p>18 A. -- Lieutenant Bob Cooney. They were the guys</p> <p>19 running St. Louis City SWAT years ago.</p> <p>20 Q. Okay. And did you say that you were shown</p> <p>21 evidence in this case by one of those people?</p> <p>22 A. No, I never said that.</p> <p>23 Q. Okay.</p> <p>24 A. The only --</p> <p>25 Q. I misunderstood --</p>
<p style="text-align: right;">Page 147</p> <p>1 setting.</p> <p>2 A. I have been in many laboratory settings in my</p> <p>3 career. There isn't anything that anyone in a ballistic</p> <p>4 lab knows about bullets and bullet technology and</p> <p>5 forensic signatures that I don't know.</p> <p>6 Q. Okay. I'm going to ask again. Do you have</p> <p>7 any experience conducting forensic ballistics</p> <p>8 examinations in a laboratory setting?</p> <p>9 A. Yes, but not for forensic purposes.</p> <p>10 Q. Do you have any other scientific training or</p> <p>11 knowledge that's relevant to your opinions in this case?</p> <p>12 A. Yes, my extensive lab and biology physics</p> <p>13 in -- at universities.</p> <p>14 Q. Okay. Are you referring to physics courses</p> <p>15 you took while an undergrad; is that true?</p> <p>16 A. Physics, biology, microbiology, differential</p> <p>17 equations, advanced calculus, calculus; things like that.</p> <p>18 Q. Where did you take that coursework?</p> <p>19 A. Lindenwood University and St. Louis</p> <p>20 University.</p> <p>21 Q. Does Lindenwood have a physics department, can</p> <p>22 you major in physics at Lindenwood?</p> <p>23 A. Can you major in physics?</p> <p>24 Q. Correct.</p> <p>25 A. I don't -- I don't know. I -- I -- I don't --</p>	<p style="text-align: right;">Page 149</p> <p>1 A. -- evidence I've --</p> <p>2 Q. -- you.</p> <p>3 A. -- shown is what the Dowd law firm has sent me</p> <p>4 to look at.</p> <p>5 Q. Okay. They've shown you evidence in other</p> <p>6 shooting cases, is that your testimony?</p> <p>7 A. I think I have listened to depositions and</p> <p>8 some phone recordings in other cases, yes.</p> <p>9 Q. And were you employed in any capacity to form</p> <p>10 a investigation involving those shootings or were you</p> <p>11 just informally shown -- shown --</p> <p>12 A. I was --</p> <p>13 Q. -- some evidence?</p> <p>14 A. -- paid -- I was paid for my time.</p> <p>15 Q. By whom?</p> <p>16 A. The Dowd law firm.</p> <p>17 Q. Oh. Okay, aside from the work that you've</p> <p>18 performed for Mr. Dowd, have you, in a professional</p> <p>19 capacity, ever performed any shooting scene</p> <p>20 investigations prior to this case and prior to the cases</p> <p>21 you performed work on with Mr. Dowd?</p> <p>22 A. I've had officers bring me evidence and ask me</p> <p>23 questions in a number of cases but not paid to do so.</p> <p>24 Q. And have you ever been involved in an</p> <p>25 investigation of an officer-involved shooting?</p>

<p style="text-align: right;">Page 150</p> <p>1 A. Not in a paid capacity.</p> <p>2 Q. And which incidents are you referring to, what</p> <p>3 shooting incidents have you been --</p> <p>4 A. Well, the one I referred to where Eric got</p> <p>5 shot on a -- on a warrant being served. It was either a</p> <p>6 warrant or an active shooter, I don't recall.</p> <p>7 Q. And they consulted -- you were consulted with</p> <p>8 regarding the performance of the ammunition in that --</p> <p>9 A. Yes.</p> <p>10 Q. -- case?</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. Any others?</p> <p>13 A. Not that I recall.</p> <p>14 Q. And just to be sure I'm not leaving anything</p> <p>15 out, you've not -- have you been involved in any capacity</p> <p>16 with any other shooting investigation other than the ones</p> <p>17 we've just spoke about?</p> <p>18 MR. DOWD: Asked and answered.</p> <p>19 A. I believe I answered that, ma'am.</p> <p>20 Q. Okay, the answer is no, aside from the ones</p> <p>21 we've just discussed?</p> <p>22 A. No.</p> <p>23 Q. What percentage of your income in a given year</p> <p>24 do you derive from giving expert testimony?</p> <p>25 A. Well, as I said, I've only received \$8,000 for</p>	<p style="text-align: right;">Page 152</p> <p>1 situations or their business is having trouble, they'll</p> <p>2 call me and say will you mind doing an analysis and</p> <p>3 making some recommendations. And so, for example, First</p> <p>4 Capitol 4 Wheel Drive/Pur Performance in St. Charles,</p> <p>5 years ago they called me and said we want to grow our</p> <p>6 business, we don't really know how to do it the right</p> <p>7 way, we're trying to get an SBA loan, will you come and</p> <p>8 help us do an analysis and put a proposal together so we</p> <p>9 can get an SBA loan, get a newer, larger building and</p> <p>10 grow our business and I said, Yes, Kevin, I will come</p> <p>11 help you.</p> <p>12 Q. And, so, you're describing business</p> <p>13 consulting?</p> <p>14 A. Sometimes it's strategic planning, sometimes</p> <p>15 it's operational business consulting. It could be a</p> <p>16 variety of things.</p> <p>17 Q. Does -- Do any of the sensitive matters you</p> <p>18 refer to deal with shootings, crime scene investigations,</p> <p>19 anything along those lines?</p> <p>20 A. I've had people -- wealthy people consult me</p> <p>21 on poaching problems on their land. I've had people ask</p> <p>22 me come and look at bullet holes in their homes through</p> <p>23 windows, through walls. You know, some -- sometimes it</p> <p>24 does concern people with firearms.</p> <p>25 Q. What occasions have you been asked to come</p>
<p style="text-align: right;">Page 151</p> <p>1 the time I spent reviewing evidence for the Dowd law</p> <p>2 firm, so I would say it's probably less than 1/10 of one</p> <p>3 percent over the last 20 years.</p> <p>4 Q. Has Mr. Dowd paid you to prepare an expert</p> <p>5 report in any other matter?</p> <p>6 A. Not at this time.</p> <p>7 Q. In the other matters you're working with</p> <p>8 Mr. Dowd on, are those cases in which Mr. Dowd represents</p> <p>9 plaintiffs or defendants?</p> <p>10 A. You might want to ask him that question.</p> <p>11 Q. You don't know?</p> <p>12 A. How would I know?</p> <p>13 Q. Aside from your work with Mr. Dowd, aside from</p> <p>14 your work with A.M. & P.M., the Freedom Center,</p> <p>15 A & (sic) R, do you have any other sources of income?</p> <p>16 A. I would say that I've done a significant</p> <p>17 amount of private consulting for -- for various people</p> <p>18 on -- on sensitive matters and I get paid for that</p> <p>19 occasionally.</p> <p>20 Q. What is the nature of the sensitive matters</p> <p>21 you're describing?</p> <p>22 A. I don't even know how to answer that question,</p> <p>23 ma'am.</p> <p>24 Q. What kind of work are you describing?</p> <p>25 A. When people get into very complicated</p>	<p style="text-align: right;">Page 153</p> <p>1 look at bullet holes in people's walls?</p> <p>2 A. Well, when someone has a random situation</p> <p>3 where a bullet goes through a window and lodges in their</p> <p>4 kitchen cabinet, they talk to their friends, their</p> <p>5 friends say, Hey, get this guy Sam to come look at it, he</p> <p>6 knows what he's looking at, I go out, I look at it, I try</p> <p>7 and find the projectile, try and identify what type of</p> <p>8 weapon it came from, give them an idea of how far away</p> <p>9 the bullet was when it penetrated their home based on the</p> <p>10 trajectory lines, that sort of thing.</p> <p>11 Q. Have you been paid for that work?</p> <p>12 A. Your sound disappeared, ma'am. Was that a</p> <p>13 question?</p> <p>14 Q. Have you been paid for that work? Can you</p> <p>15 hear me?</p> <p>16 A. (No response.)</p> <p>17 MS. MCGOWAN: Can -- Mr. Andrews, Sara, can</p> <p>18 you hear me?</p> <p>19 A. Occasionally, yes.</p> <p>20 (Questions by Ms. McGowan)</p> <p>21 Q. How many times have you been paid to go to</p> <p>22 someone's house and examine bullet holes?</p> <p>23 A. Oh, I would say three or four times over the</p> <p>24 last 35 years.</p> <p>25 Q. How much were you paid?</p>

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<p>1 A. Oh, usually they paid me 300 to 500 dollars to 2 come out and take a look and give them an opinion. About 3 what an appraiser would get for appraising the value of a 4 house. Pretty similar to that. 5 Q. Can you identify any of your clients, any of 6 those particular clients? 7 A. Usually they were people I didn't know and 8 they would pay me cash. They were friend of a friend, 9 so. It's been a long time. 10 Q. All right. Now, sir, I want to show you, 11 we've talked about Exhibit B, the Affidavit you created 12 in -- in this case. I want to direct your attention at 13 the date at the end of the Affidavit. It appears that 14 you signed this on May 28, 2020; is that correct? 15 A. Can anyone hear me because I've lost sound? 16 Q. I can hear you, sir. 17 A. Okay, you just came back. Could you re- -- 18 Could you repeat your question if that was a question? 19 Q. Sure, yes. Directing your attention to your 20 Affidavit, Exhibit B, is that your signature on Page 6 of 21 Exhibit B? 22 A. That is. 23 Q. All right. And below, there's an 24 Acknowledgment. It looks like the notary public was 25 Douglas T. Dowd and he acknowledges that you signed this</p>	<p>1 make sense of it all that way. 2 Q. It's true that prior to drafting this 3 Affidavit, you had not personally inspected any of the 4 shell casings or ballistics evidence that was collected 5 from the home on South Kingshighway? 6 A. That's not true. 7 Q. All right. What is inaccurate about my 8 statement? 9 A. Well, I found shell casings that the crime lab 10 missed and didn't tag and I found bullets in walls that 11 they didn't tag, okay? And, so, I had several things to 12 look at long before I drafted this. 13 Q. All right, where did you find shell casings as 14 you say? 15 A. On the front porch of the house next door and 16 underneath the bedroom window between the house next door 17 and the house where the shooting incident occurred. 18 Q. So, those were located on the exterior of -- 19 Let's just be clear for the record. The address that 20 we're talking about is -- 21 A. You -- 22 Q. -- I believe -- 23 A. You -- 24 Q. -- 4212? 25 A. You're -- You're breaking up -- You're</p>
Page 155	Page 157
<p>1 Affidavit on May 28, 2020. Do you have any reason to 2 disagree with that? 3 A. No, I think that looks accurate. 4 Q. What information did you rely upon in dra- -- 5 in rendering the opinions included in this Affidavit? 6 A. Could you restate the question? I'm not sure 7 I understand what you're asking. 8 Q. What sources of information did you rely upon 9 prior -- in order to render the opinions in this 10 Affidavit, what documents did you look at, what did you 11 do prior to rendering the opinions in this? 12 A. Well, I went to the house I think the day 13 after the shooting and I asked for a summary of what 14 happened and then I proceeded to analyze the ballistic 15 evidence of the home, all the bullet impacts and trace 16 the bullet trajectories that had penetrated walls and 17 windows and try and figure out where the bullets came to 18 a rest and what angle they were fired from, and then I 19 took a caliper and measured the diameter of the holes in 20 the walls and on the floor and I took straight edges to 21 determine entry angles and that type of thing and talked 22 to various people that had videos of the scene. I looked 23 at videos that the Dowd law firm provided me. I read 24 some of the depositions of the operators. I compared 25 that to the vis- -- to the physical evidence and tried to</p>	<p>1 breaking up again, so I'm going to need you to repeat all 2 that. 3 Q. Okay. Sorry. Strike what I said before. 4 Did you find any shell casings withinside the 5 home of 5414 South Kingshighway? 6 A. Yes. 7 Q. Where did you find them? 8 A. Inside the back door in the kitchen area, I 9 believe, on the right side of the door as you walk in. 10 Q. Sir, if you could give me one moment, I'm 11 opening up another document. 12 Sir, does this diagram depict the location 13 where you identified additional shell casings during your 14 site visit? 15 A. The casing that I found inside, this is only 16 half the house, it doesn't show the rear half of the 17 house, only the front, so no. 18 Q. Okay. And you testified you found shell 19 casings on the front porch of the house next door and 20 where else? 21 A. And on the ground outside the window of the 22 bedroom. If you go back to that previous drawing, I 23 can -- I can give you an orientation from that. 24 Q. All right. Okay. Sir, if you could describe 25 for us where you located shell casings outside the</p>

<p style="text-align: right;">Page 158</p> <p>1 bedroom window.</p> <p>2 A. Okay, so, if you see where it says Front</p> <p>3 Door --</p> <p>4 Q. Yes.</p> <p>5 A. -- at the bottom and if you go to the right,</p> <p>6 the very first window, so it would be between the edge of</p> <p>7 the window and the corner of the house, halfway between</p> <p>8 the house next door and this bedroom window, found two</p> <p>9 Hornady shell casings .223 right there.</p> <p>10 Q. And, sir, before we go further with questions</p> <p>11 related to the shell casings, did you conduct any</p> <p>12 analysis in a laboratory setting in order to render any</p> <p>13 of the opinions that you have in this case?</p> <p>14 A. No, the -- the evidence was the home. There's</p> <p>15 nothing that the lab could tell me about that.</p> <p>16 Q. Did you consult any scientific literature to</p> <p>17 assist you with rendering the opinions that you have in</p> <p>18 this case?</p> <p>19 A. Ma'am, I have read thousands of scientific</p> <p>20 articles to learn what I know about ballistics and</p> <p>21 science and physics and metallurgy and all of the things</p> <p>22 that allow me to understand what I'm looking at when</p> <p>23 looking at brass bullets powder marks terminal ballistic</p> <p>24 marks.</p> <p>25 Q. Did you rely on any in particular to render</p>	<p style="text-align: right;">Page 160</p> <p>1 Q. And what did he say when he contacted you?</p> <p>2 A. You mean about the shooting or in Ferguson?</p> <p>3 Q. Oh, in particular the -- the shooting on South</p> <p>4 Kingshighway.</p> <p>5 A. He called me and said, Hey, Sam, there's been</p> <p>6 a police shooting up here in St. Louis off of</p> <p>7 Kingshighway and they fired like a hundred rounds or</p> <p>8 something and -- and I need you to come up and look at</p> <p>9 this. This doesn't look normal.</p> <p>10 Q. Did he indicate to you that he had been inside</p> <p>11 the home?</p> <p>12 A. Not at the time he called me, but he did the</p> <p>13 next day when I got there.</p> <p>14 Q. What other information did he give you?</p> <p>15 A. He just introduced me to the grandfather.</p> <p>16 Q. When he -- Did he call -- He called you by</p> <p>17 tell, correct, to tell you there had been a shooting at</p> <p>18 5414 South Kingshighway; correct?</p> <p>19 A. Yes, ma'am. Yes, ma'am.</p> <p>20 Q. Did he tell you anything else at that point?</p> <p>21 A. Not that I recall. Just I -- I would like you</p> <p>22 to come up and look at this and tell me what you think.</p> <p>23 VIDEOGRAPHER: Excuse me, counsel, I'm trying</p> <p>24 to not interrupt the flow here, but I will request a</p> <p>25 media change within about five minutes, please.</p>
<p style="text-align: right;">Page 159</p> <p>1 opinions in this case?</p> <p>2 A. I would say it would be the collective</p> <p>3 knowledge gained from all of those articles.</p> <p>4 Q. All right, going back to let's take a look at</p> <p>5 Paragraph 6 of your Affidavit, you state you were</p> <p>6 contacted on the day of the shooting of Isaiah Hammett,</p> <p>7 Plaintiffs' decedent, and asked to conduct a ballistics</p> <p>8 analysis of the shooting. Who contacted you on the day</p> <p>9 of the shooting and asked you to conduct a ballistics</p> <p>10 analysis of the shooting?</p> <p>11 A. Jeffrey Hill.</p> <p>12 Q. Who is Jeffrey Hill?</p> <p>13 A. He's a jazz drummer that I think may have been</p> <p>14 friends with the family. I don't know.</p> <p>15 Q. How do you know Jeffrey Hill?</p> <p>16 A. I met him in Ferguson.</p> <p>17 Q. Was he participating in the protest activities</p> <p>18 in Ferguson?</p> <p>19 A. You know, I didn't see him participate in the</p> <p>20 protest, but I can't imagine a guy like that not having a</p> <p>21 part in it.</p> <p>22 Q. What was he doing when you met him in</p> <p>23 Ferguson, what context did you meet him?</p> <p>24 A. He was standing outside our building talking</p> <p>25 to me, asking me questions. He came up to talk to me.</p>	<p style="text-align: right;">Page 161</p> <p>1 MS. MCGOWAN: Sure, sure.</p> <p>2 (Questions by Ms. McGowan)</p> <p>3 Q. Had you been in contact with Mr. Hill between</p> <p>4 your time meeting him in Ferguson and when this incident</p> <p>5 occurred in 2017?</p> <p>6 A. Not very often. Occasionally we chat on</p> <p>7 Facebook or I'd see a post of his on Facebook and I'd</p> <p>8 make fun of him, but other than that.</p> <p>9 Q. Did you speak with Dennis Torres before you</p> <p>10 arrived at the house the day after the shooting?</p> <p>11 A. No.</p> <p>12 Q. Had you ever met Dennis Torres prior to that</p> <p>13 day?</p> <p>14 A. No, I had no idea who these people were.</p> <p>15 MS. MCGOWAN: Let's go ahead and take our</p> <p>16 break now if that's all right with everyone.</p> <p>17 VIDEOGRAPHER: At --</p> <p>18 MR. DOWD: What did you say?</p> <p>19 MS. MCGOWAN: Richard, let's go ahead and take</p> <p>20 the break. Lou needs to take a break. I think I'm</p> <p>21 at a --</p> <p>22 MR. DOWD: Oh, okay.</p> <p>23 MS. MCGOWAN: -- a good stopping point.</p> <p>24 MR. DOWD: That sounds good.</p> <p>25 VIDEOGRAPHER: At 3:35 p.m., we are going off</p>

<p style="text-align: right;">Page 162</p> <p>1 the record in the deposition of L. Samuel Andrews. 2 (At this point, there was a break taken from 3 3:35 p.m. to 3:48 p.m.) 4 VIDEOGRAPHER: At 3:48 p.m., we are back on 5 the record in the deposition of L. Samuel Andrews. 6 (Questions by Ms. McGowan) 7 Q. Mr. Andrews, before we went on break, you had 8 mentioned that you spoke to people in preparation for 9 drafting the Affidavit that you provided in this matter. 10 Who did you speak to prior to drafting that Affidavit? 11 A. Prior to drafting the Affidavit, you mean are 12 you talking about when I went up to look at the house and 13 look at the evidence? I spoke to the grandfather, the 14 mother. Is that what you're asking me? 15 Q. Sure, anyone who you spoke to who provided 16 information to that you ultimately used as a basis for 17 your opinion. 18 A. Well, nobody provided information to me. I -- 19 I asked people what happened and then I went and looked 20 at the evidence, you know, and it's the evidence that I 21 saw that drove my conclusions. Other than the -- the 22 depositions that the officers, I reviewed the depositions 23 of the officers and compared that to the physical 24 evidence and -- and that had a significant impact on my 25 conclusions.</p>	<p style="text-align: right;">Page 164</p> <p>1 A. Sima, no. 2 MR. DOWD: Martha? Martha -- 3 THE WITNESS: Pardon? 4 MR. DOWD: -- some- -- Martha something. 5 A. Martha, that's who it was. 6 Q. All right, and what did she tell you? 7 A. She said that the City was pressuring this 8 family trying to condemn the house. I remember having 9 that conversation with her. I remember telling her to 10 take the box and lock it in the safe at the attorney's 11 office as evidence, that somebody may want to look at 12 that. And I remember telling her about some of the blood 13 patterns that I saw that just didn't make sense and some 14 of the ballistic evidence, we had conversations about 15 that, but that was before I knew Richard, before Richard 16 called me, so that was just kind of incidental 17 conversations about they were asking me questions of why 18 are you looking at that, what are you doing there 'cause 19 they didn't really understand what I was doing as I went 20 through my analysis. 21 Q. And you described someone who was filming a 22 cell phone video, something taking a box out to a 23 dumpster. Do you know who -- who that is? 24 A. I don't know who the person is. I know she's 25 a teenager. And we were sitting on the bed in the</p>
<p style="text-align: right;">Page 163</p> <p>1 Q. All right. So, aside from Dennis Torres and 2 Gina Torres, did you speak to anyone else about this 3 incident aside from Mr. Dowd? 4 A. Well, at the house, there was an ArchCity 5 Defender attorney, a gal. I don't remember her name. 6 There was a 16-year-old that brought in a video of a 7 police officer taking the box for the AK out of the house 8 and hiding it in a dumpster like four houses down. There 9 was a photographer there named Sid and I honestly can't 10 tell you if Sid is male or female, but she had a camera 11 and she took pictures of everything I pointed out to her, 12 so I had some conversations with Sid. And that's pretty 13 much what I recall. Mainly the grandfather and -- and 14 the photographer that I would say, you know, take a 15 picture of this, I think it might be significant; take a 16 picture of that, it may be significant. 17 Q. And you said there was an attorney from 18 ArchCity. Do you recall -- 19 A. The ArchCity Defenders had a gal that I don't 20 think she works there anymore. I spoke to her about a 21 year and a half ago and I don't think she works there 22 anymore, but she did work there. I'm sure -- 23 Q. Was her -- Was her name -- 24 A. -- somebody -- 25 Q. -- Sima?</p>	<p style="text-align: right;">Page 165</p> <p>1 bedroom as I recall and the grandfather was there in his 2 wheelchair and he was telling me that the AK-47 didn't 3 fire, that it was completely jammed, and that they were 4 taking it to the gunsmith that weekend to get it repaired 5 so they could fire it and that the gun was in a box on a 6 laundry basket next to the dresser and that there's no 7 way his grandson pulled that gun out and used it to fire 8 at the police. Of course, I didn't believe him and I 9 said, "Well, if it was in a box, where is the box?" And 10 everybody said I don't know where the box is. And I 11 said, "Well, we need the box." I said, "This doesn't 12 even sound credible." And then this teenage girl comes 13 bebopping in the room and she says to me, "I know where 14 the box is," and I said, "You do?" She said, "Yeah, a 15 police officer carried it out of the back of the house 16 yesterday, went down four houses and hid it in a dumpster 17 under a bunch of cardboard." And I said, "Ah, that's a 18 bunch of baloney. Why should I believe you?" And she 19 said, "You should believe me 'cause I got a video," and 20 she holds her phone up and shows me a video of this 21 uniformed St. Louis City Police officer walking out of 22 the house. She followed him all the way down to the 23 dumpster, shows him lifting up the lid of the dumpster, 24 lifting up a bunch of cardboard and putting the AK-47 25 underneath and slamming the lid on it, and that really</p>

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1 got my attention.
2 Q. Did you get a copy of that video, do you have
3 a copy of that video in your possession?
4 A. I don't have a copy of that video in my
5 position.
6 Q. Do you recall the teenager's name?
7 A. I don't, but I suspect it's something we could
8 find out pretty easy.
9 Q. Do you know if Dennis or Gina Torres has a
10 copy of that cell phone video you just described?
11 A. Someone told me on Facebook that Gina may have
12 a copy of it, but I haven't verified that.
13 Q. Did you speak with anyone associated with the
14 St. Louis Metropolitan Police Department prior to
15 authoring the Affidavit that you made in this case?
16 A. Well, I called Jerome Klipfel from a
17 McDonald's maybe the day I was in St. Louis, the day
18 after the shooting incident, and I asked him a couple of
19 questions like who is running the SWAT team now and
20 what's going on 'cause I was really concerned and he got
21 really aggravated and didn't want to talk about it. He
22 got -- He got angry in the phone conversation and
23 basically hung the phone up with me and he's never
24 done -- never done that in the 15 years I've known him or
25 17 years that I've known him. He'd never --

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1 Q. What did he --
2 A. -- been short with me on the phone.
3 Q. What did he say to you specifically?
4 A. A lot of expletives like that f-ing punk
5 needed to get shot and some other things and basically
6 got angry and hung the phone up. He was cussing a lot.
7 And Jerome doesn't typically cuss. I mean Jerome's a
8 straitlaced Navy veteran, SWAT team commander,
9 by-the-book kinda guy, so he was really out of character
10 in that phone conversation. It wasn't a long
11 conversation.
12 Q. Did you speak with anyone else who has ever
13 been associated with the St. Louis Metropolitan Police
14 Department before authoring your Affidavit?
15 A. Well, one of my vendors is Ronnie Fowlkes, he
16 works for FirstSpear, and I know I've spoken to Ronnie
17 between the time I looked at the house and the time I
18 wrote the Affidavit, but honestly, I can't remember if we
19 discussed this case at all. I suspect we didn't.
20 Q. What is your relationship generally with the
21 St. Louis Metropolitan Police Department -- City Police
22 Department?
23 A. Well, it used to be really good. They used to
24 rely on me; they used to buy from me; they used to hire
25 me to train them. I haven't -- I haven't heard word from

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1 them since Ferguson.
2 Q. So, you're no longer in -- you know, aside
3 from your conversation with Jerome Klipfel, you -- do you
4 have any contacts at the St. Louis Metropolitan Police
5 Department or since Ferguson you're no longer in
6 contact --
7 A. I --
8 Q. -- with the Department?
9 A. I think most of the people that were my close
10 friends at St. Louis City PD are either dead or they're
11 retired. I don't think -- You know, I'm an old guy, guys
12 my age aren't into doing police work, so the young lions
13 are there now and it's -- and most of the guys that I
14 worked with are either dead or retired.
15 Q. How did you -- Did Mr. Dowd contact you or did
16 you contact Mr. Dowd concerning this case?
17 A. I believe Mr. Dowd contacted me.
18 Q. When was that?
19 A. Oh, gosh, I have no idea. Maybe four months,
20 three or four months after I originally -- maybe two
21 months, I don't know, after I originally looked at the
22 house. I can't recall, to be honest, but I know it was
23 a -- there was a signif- -- significant time between me
24 looking at the house and -- and me getting a call or an
25 e-mail, and I don't even remember which.

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1 Q. What did he tell you when he contacted you?
2 A. He didn't tell me anything. He asked me
3 questions.
4 Q. What questions did he ask you?
5 A. Have you looked at this evidence? Can you
6 draw any intelligent conclusions from this evidence? Do
7 you have any idea what the f*** happened at this house?
8 Stuff like that. No, he didn't use the f-word maybe.
9 Maybe he did.
10 Q. And --
11 A. I don't know. I'm not sure.
12 Q. And -- And what did you tell him?
13 A. I said I think it's highly unusual that there
14 are videos of officers removing evidence from the home
15 and throwing it in dumpsters. I think it's highly
16 unusual that over 80 shots were fired in a home with a
17 20-year-old boy and a grandpa with no legs. I think it's
18 very suspect that there are five shots on the dining room
19 floor that are at a 30 degree down angle and -- and
20 that -- that I've never seen or heard of a SWAT shooting
21 with this much force being used where there weren't 15
22 drug cartel members armed in the home and I just think
23 it's so out of character, I don't know what to think of
24 it. I need to look at the evidence and investigate it
25 some more and think about it some more because it's --

43 (Pages 166 to 169)

<p>Page 170</p> <p>1 it's very confusing to me what I've initially seen. 2 Q. Now, you just said something to the effect 3 that there are shots in the dining room floor to did 4 you -- something about a 30 degree down angle? 5 A. Yes. 6 Q. Is that opinion -- Do you have any opinions -- 7 A. That's -- 8 Q. -- similar -- 9 A. -- not an -- 10 Q. -- to that -- 11 A. That's not an opinion, ma'am. The bullet 12 trajectory is traceable in that hardwood floor. That's a 13 fact. 14 Q. Do you have any information about bullet 15 trajectories in a hardwood floor in your Affidavit or 16 your report? 17 A. Could you -- I lost your sound. Could you 18 repeat the question, please? 19 Q. Sir, can -- we scrolled through your 20 Affidavit. Can you tell me, did you render an opinion in 21 this case that there were 30 degree downward bullet angle 22 trajectories in the floor in your Affidavit in this case, 23 does that appear -- 24 A. Well -- 25 Q. -- in your Affidavit or report at any point?</p>	<p>Page 172</p> <p>1 MR. DOWD: -- hearing -- 2 THE WITNESS: -- getting -- We're getting a 3 "yes" from Sara. 4 MR. DOWD: Yes, I saw that -- 5 Q. Mr. -- 6 MR. DOWD: -- but I don't -- you can -- you 7 can answer, subject to my objection, Mr. Andrews. 8 A. And if I -- if I rephrase the question 9 properly, did you ask me is there any other things that I 10 might testify to that are not in the report? I'm -- 11 Q. Correct. 12 A. -- su- -- I'm sure there could be if I'm asked 13 about them. I tried to include the most significant 14 things in the report and make it concise and 15 understandable, but there's so much evidence. I mean, 16 there -- you could literally look at evidence for three 17 weeks and not see it all in this case and, so, you know, 18 it's entirely possible that I could add things to that, a 19 supplement to that report, 'cause I -- there's still 20 things that I want to look at on large screens up close. 21 I mean, there -- it's entirely possible, ma'am, so yes. 22 MS. MCGOWAN: And, Mr. Dowd, we would ask that 23 this deposition be held open given that Mr. Andrews 24 is testifying that he intends on supplementing the 25 report.</p>
<p>Page 171</p> <p>1 A. -- I think I had it in my handwritten rough 2 draft. I -- I don't know. I would -- I would have 3 thought it would have made it to the Affidavit. I may 4 have to scan it to -- to see. But that's -- 5 Q. So -- 6 A. I'm sorry? 7 Q. Sir, do you intend to provide that opinion at 8 trial? 9 A. I'll absolutely tell the truth about those 10 bullet trajectories. 11 Q. Are you intending to supplement your -- your 12 report, is that what you're telling me? 13 A. If it's not in there, I'll certainly put it in 14 there, absolutely. 15 Q. Do you have any other opinions that you intend 16 to give at trial that were not included in your Affidavit 17 or your expert report? 18 MR. DOWD: Objection. Overly broad, vague. 19 You can answer. 20 Did that objection make it to the record? 21 THE REPORTER: (Nodding.) 22 MR. DOWD: I'm not -- 23 Q. Now -- 24 MR. DOWD: -- hear- -- I'm not -- 25 THE WITNESS: We're --</p>	<p>Page 173</p> <p>1 MR. DOWD: Absolutely, we will supplement in 2 accordance with the rule and, you know, based upon 3 additional reviews and, yes. 4 (Questions by Ms. McGowan) 5 Q. Turning back to your Affidavit, Defendants' 6 Exhibit B, in Paragraph 6 you write that -- let's get 7 there -- that you did an extensive inspection of the 8 ballistics evidence left behind after the police turned 9 control of the premises back over to the homeowner. 10 You've already mentioned that you believe you found shell 11 casings on the south side of the house; do I have that 12 accurately? 13 A. I'm not sure I'm oriented north, south, east, 14 and west on that home. 15 Q. All right, let's -- Well, earlier we took a 16 look -- 17 A. I testified -- 18 Q. -- at -- 19 A. -- that I found a case outside the window of 20 the bedroom and on the porch, a couple of cases there, 21 and I found one in the kitchen back by the back door, 22 which is not on the map. 23 Q. And then you said something about locating a 24 casing on the fronch -- front porch of the house next 25 door; is that right?</p>

<p>Page 174</p> <p>1 A. Two cases on the front porch, two cases on the 2 ground between the houses between the window and the 3 front corner of the house of the bedroom window, and one 4 case in the kitchen in the back. 5 Q. Did you take any notes while you were doing 6 this inspection? 7 A. I -- I did. I -- I -- I think I may have. 8 Q. Did you rely on those notes in rendering your 9 opinions that you provided in your Affidavit and in your 10 expert report? 11 A. No, I think I relied more on the physical 12 evidence provided by St. Louis PD and the testimony and 13 my recollection and my measurements and inspection of the 14 physical evidence. 15 Q. Do you have any documents where you 16 memorialized the measurements you say you took that day? 17 A. I don't believe so. 18 Q. And -- 19 A. I think we -- 20 Q. -- you -- 21 A. -- ha- -- I think we have some pictures of the 22 calipers with me taking measurements. I think I presumed 23 that that would be sufficient documentation. 24 Q. Have you provided those photographs to 25 Mr. Dowd?</p>	<p>Page 176</p> <p>1 concerning the -- the trajectory -- the opinions 2 he's providing during this deposition concerning the 3 trajectory of supposed bullet holes in the dining 4 room floor is not contained in the report, either. 5 (Questions by Ms. McGowan) 6 Q. Is that -- that true, Mr. Andrews? Well, 7 we'll get there. We'll come back to this -- 8 A. I'd have to read the report again to be sure. 9 Q. And, Mr. Andrews, it's true that on the date 10 you authored the Affidavit, which is Exhibit B, you had 11 not inspected any of the physical evidence that was 12 present that had been collected by the St. Louis Police 13 Department following this shooting on June 7, 2017? 14 A. I'm trying to remember what day we inspected 15 the evidence. 16 THE WITNESS: Richard, do you have a day where 17 we -- do you know the date when we went down to 18 St. Louis City PD and looked at the evidence at the 19 police station? 20 Q. Sir, if I represented to you that you 21 conducted the investiga- -- the inspection at the 22 St. Louis Police Department on June -- 23 MR. DOWD: I want to say it was June 15. 24 THE WITNESS: Okay. 25 Q. -- I believe it was June 23, would you have</p>
<p>Page 175</p> <p>1 A. I think Mr. Dowd took them. 2 MR. DOWD: They have been provided. 3 Q. Are those the photographs you took at the City 4 Police Department during your inspection of evidence in 5 this case? 6 A. No, those were photographs Mr. Dowd took when 7 he and I went to the house to inspect the physical 8 evidence. 9 MR. DOWD: And I provided those a while back. 10 MS. MCGOWAN: I'm not sure about that, 11 Richard. Do you remember what date you believe you 12 took those? 13 MR. DOWD: I -- I don't remember the date that 14 we were there, but I -- I know we have all of those 15 photographs and we sent you all of that at some 16 point. My -- My paralegal is not in today or she 17 could tell us right now. But for the record, I 18 just -- you know, you're asking about the Affidavit. 19 The Affidavit was produced in response to your 20 Motion for Summary Judgment, so it did not entail 21 all of the issues, all of the opinions or facts that 22 Mr. Andrews is basing his opinions on, so to limit 23 your questioning to the Affidavit I don't believe 24 is -- is accurate. 25 MS. MCGOWAN: And I'm -- my questioning</p>	<p>Page 177</p> <p>1 any reason to dispute that? 2 MR. DOWD: That was -- 3 Q. June 23 of 2020. 4 MR. DOWD: That was going to be my second 5 guess. I know we talked about the 15th, but you're 6 right; it was the 23rd. 7 A. I'll let Richard testify to that. I don't 8 write these dates down like you people do. I just don't. 9 I got other things I'm working on, you know? It's 10 just -- 11 Q. Okay -- 12 A. -- not -- 13 Q. -- Mr. Andrews -- 14 A. It would be after, though, I would say that 15 it's -- it would be after that I wrote this report for 16 your motion to dismiss. Or summary -- 17 Q. Sir -- 18 A. -- judgment. 19 Q. -- do you have any reason to disagree that the 20 inspection took place on June 23, 2020? 21 A. Sometime in June. I have no reason to 22 disagree with that. 23 Q. Okay. And you would agree that the Affidavit 24 you authored in this case was notarized on May 28, 2020; 25 correct?</p>

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1 A. Yes, ma'am.
2 Q. All right. So, it's true that you had not
3 physically inspected the evidence collected by the City
4 Police Department on the day you authored the Affidavit;
5 correct?
6 A. Yeah, I would say it's true that I had not
7 collected anything that they took into evidence, but I
8 inspected a lot of evidence outside of what they took and
9 what they left, including shell casings and bullets and
10 holes everywhere.
11 Q. And just so the record is clear, you had not
12 inspected any of the evidence being held in the Evidence
13 Room at the St. Louis Police Department prior to
14 authoring this Affidavit?
15 A. Yes, ma'am.
16 Q. All right.
17 A. Yes. Yes --
18 Q. And --
19 A. -- ma'am.
20 Q. And what other evidence do you claim was still
21 at the scene when you inspected it on June 8, 2020 (sic),
22 the day after the shooting?
23 A. The brass casings that St. Louis City missed;
24 the blood that they missed; the holes in the walls; the
25 holes in the windows; the hole -- the bullet holes; the

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1 impact marks from bullets on the -- the brick house next
2 door; the lack of holes or bullet impacts in areas where
3 there should have been bullet impacts; evidence that had
4 been moved and evidence that had been taken from the home
5 and destroyed; evidence that had been manipulated. A
6 number of different things.
7 Q. All right, have we discussed all of the brass
8 casings that you said that you located when you went out
9 the day after the shooting? Were there any other besides
10 those three locations, three or four --
11 A. I think --
12 Q. -- locations you described to me?
13 A. I think we have discussed the three locations
14 that I found brass at.
15 Q. Okay. And you didn't make any sort of visual
16 depiction of where you observed those casings that day?
17 A. Well, we took pictures of the brass outside I
18 think where, you know, where I picked it up at. I think
19 Sid took pictures of that.
20 Q. All right. Do you have any photographs from
21 that day in your possession?
22 A. You know, I -- I think I did have some on a
23 computer, but I think that computer failed and I have a
24 new computer, so I doubt that I have them. I'm not sure
25 they were transferred to the new hard disc.

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1 Q. And you said something about blood that had
2 been missed by the SLMPD. What are you referring to
3 there?
4 A. Well, when you shoot a human being with
5 frangible .223s, if they exit, they tend to leave large
6 exit holes and it throws blood everywhere. And there was
7 blood on the floor, there was blood on the credenza,
8 there was blood on the wall in the dining room, there was
9 blood on the other, blood droplets on the ceiling, there
10 was blood droplets behind the TV, there were blood on the
11 TV and -- and they -- and, so, I mean there was a lot of
12 stuff everywhere.
13 Q. Now, you said that something to the effect of
14 the -- the Police Department missed the blood. What is
15 your basis for saying they missed it?
16 A. Well -- Well, somebody -- somebody wiped a lot
17 of blood up, including the back of the TV, but they
18 didn't get it all.
19 Q. What -- What TV are you referring to?
20 A. There was a TV in the dining room. So, if you
21 go to the map of the house, I can show you where the TV
22 was.
23 Q. All right.
24 A. So, do you see where -- do you see where
25 Dining Room is on the drawing?

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1 Q. Yes, can you describe for the Jury where
2 you're looking?
3 A. Okay, so, I'm looking at the upper left corner
4 of the drawing above the number 87 and the word "Dining
5 Room" and above the word "Suspect." There's a small
6 rectangle there with an even darker smaller rectangle
7 inside of it. I'm assuming that depicts the credenza and
8 the TV that was setting on top of the credenza. Right on
9 the top edge of the wall on the inside of that top wa- --
10 top wall.
11 Q. Okay, and you've described that you observed
12 blood on the TV?
13 A. There was blood on the TV on the front of the
14 TV; there was blood on the credenza; there was blood on
15 the back side of the TV; there was blood on the wall
16 behind the TV.
17 Q. And what is your basis for saying that the
18 St. Louis Police Department missed that?
19 A. Well, the -- the scene had been wiped. You
20 know, so -- so, for example, the same -- same basis that
21 I found the .223 brass cases, the -- the police had
22 placarded a bunch of cases and a bunch of bullet impacts
23 and -- and entered them into evidence. They conveniently
24 left out the divots in the floor from the bullet strikes
25 and they conveniently left the brass casings outside. I

46 (Pages 178 to 181)

<p>Page 182</p> <p>1 think they probably didn't want to miss those. And 2 they -- they conveniently looked like they wiped the area 3 and -- and tried to get a lot of the blood out of the 4 area and then there were places where they just didn't 5 see blood and didn't wipe and it was still there. 6 Q. I'm sorry, what is your basis for saying that 7 the police wiped blood? Are you -- Are you testifying 8 that the police blood wiped up blood, is that what you're 9 saying? 10 A. I'm not testify- -- I'm -- I'm -- I'm agreeing 11 with either the evidence technician or the medical 12 examiner in the deposition I watched, she agreed that the 13 blood was wiped up before they took a bunch of evidence 14 pictures. So, there's somebody that works for St. Louis 15 City PD that's already testified to the fact that the 16 scene was wiped, so it was obvious to me that it was 17 wiped and then the evidence technician testified to the 18 fact that it was wiped. Or may have -- 19 Q. Okay. 20 A. -- been the medical examiner. 21 Q. Okay. Sir, I'm going to pull up your -- your 22 report, the report you've authored in this case. Bear 23 with me one moment. 24 Sir, do you see Exhibit C, which we've 25 previously marked as -- Well, actually, I don't know that</p>	<p>Page 184</p> <p>1 ago and I did not see anything in Exhibit C that would -- 2 A. Well -- 3 Q. -- contain -- 4 A. -- when -- when you're -- 5 Q. -- that -- 6 A. -- an ev- -- 7 Q. -- opinion. 8 A. My understanding of an evidence technician 9 unit's job is to tag the ballistic evidence, the shell 10 casings, the bullet holes, the projectiles, and they 11 obviously did some of that, but in the dining room, just 12 to the right of the credenza, in the baseboard was a .223 13 hole and there was a bullet stuck in the wall down there 14 and I found that bullet. Apparently they missed it. 15 They collected a lot of bullets and entered them in 16 evidence, but they missed that one. 17 Q. And, again, is that contained within your 18 report at any point? 19 A. I would think it is. I said there -- I said 20 there are many .223 bullet holes in the walls. 21 Q. All right. Sir, did you take any notes during 22 your inspection of, you know, documenting your 23 measurements or -- 24 A. You asked me that question, ma'am. 25 Q. All right --</p>
<p>Page 183</p> <p>1 we have. Do you recognize this document, sir? 2 A. This looks like a list of some of the evidence 3 that I reviewed bef- -- that was sent to me by the Dowd 4 law firm. 5 Q. And I'm scrolling through. Did -- Did you 6 author this report, sir? 7 A. I did. 8 Q. Okay. And could you help me identify where in 9 the report you've rendered opinions about the -- the 10 wiping up of blood? Did you include that opinion in this 11 report? 12 A. No, I don't -- I don't think that I included 13 that opinion because the medical examiner testified to 14 the fact that the scene had been wiped before they took 15 the pictures. I didn't think it was significant new 16 information. 17 Q. And we'll come back to that. You had also 18 testified that the, I believe the Police Department you 19 said missed holes in the walls. What are you referring 20 to there? 21 A. So, can you show me where on the report 22 specifically we're talking about so I can get some 23 context to your question? 24 Q. I -- I -- You testified that the Police 25 Department missed holes in the walls just a few moments</p>	<p>Page 185</p> <p>1 A. I -- 2 Q. -- did you take -- 3 A. I answered it. 4 Q. Okay, you have no documentation from your 5 visit to -- 6 A. I didn't say that. 7 Q. -- 5414 -- 8 A. We -- We took photographs of -- 9 Q. Written documentation. 10 A. -- everything that I thought was significant. 11 Q. Did you take any notes, written notes, 12 memoranda -- 13 A. I an- -- 14 Q. -- anything like that? 15 A. I answered that, but it was like three years 16 ago and I don't know where they are, but I did -- I did 17 write some things down that were concerning to me. 18 Q. Okay. And you don't recall what you did with 19 those notes? 20 A. I don't know. You know, it was three years 21 ago, ma'am, almost three years ago. 22 Q. And are you -- did you rely on your memory 23 in -- In authoring this report, did you rely on your 24 memory of what you saw on June 7, 2017? 25 A. No, because I went and visited the house and</p>

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<p>1 inspected evidence over a period of two-and-a-half-plus 2 years. I was in the house looking and reviewing at the 3 evidence on three separate occasions.</p> <p>4 Q. All right, what dates did you visit the house?</p> <p>5 A. I know the day after the shooting was the one 6 date and then I think Mr. Dowd and I visited the house in 7 2018 possibly and then again sometime in 2019.</p> <p>8 Q. Sir, I want to direct your attention to Page 6 9 of Exhibit C. And you write: "Inspections: Residence 10 at 5414 Kingshighway on June 8, 2017 and February 19, 11 2019," and then you state that you inspected Department 12 confiscated physical evidence at SLMPD Evidence/Property 13 Room on June 23, 2020. Are you testifying now that you 14 did a third visit to 5414 Kingshighway?</p> <p>15 A. My recollection is, is that I was there once 16 the day after and I've been there twice with Mr. Dowd 17 looking at physical evidence.</p> <p>18 Q. So --</p> <p>19 A. And I don't know the exact dates of the visits 20 with Mr. Dowd.</p> <p>21 Q. Okay. Given your memory that you visited on 22 the day after the shooting and twice subsequently, you 23 haven't disclosed in your report the third date that you 24 visited 5414 South Kingshighway; is that true?</p> <p>25 A. I didn't know that it was significant, but no,</p>	<p>1 to the front of the house, there were several handgun 2 smears from led bullets, low velocity led handgun 3 bullets, down low and that also went through the aluminum 4 flashing of the window and hit the house on the other 5 side of the alley. The other house, not the house where 6 the shooting occurred, but the house next door.</p> <p>7 Q. Sir, was any of this information included in 8 your report depicted in Exhibit C?</p> <p>9 A. Well, we talked about bullet holes and we 10 talked about handguns being shot and we talked about 11 .223s being shot, but I don't know that I specifically 12 described those two rounds. There were over 90 rounds 13 fired. I didn't know that I was supposed to give a 14 detailed explanation of all 90 rounds.</p> <p>15 Q. And then you also made mention moments ago 16 about bullet holes on the brick wall next door. What 17 were you referencing?</p> <p>18 A. So, the house next door had bullet impacts on 19 the brick from shots fired in the house where 20 Isaiah Hammett was shot. There are bullets that had gone 21 through walls and windows, gone outside and hit the house 22 next door.</p> <p>23 Q. Which house are you referring to?</p> <p>24 A. The house -- As you're facing the front of the 25 house outside, it would be the house to the right on the</p>
Page 187	Page 189
<p>1 I don't know that I did.</p> <p>2 Q. Okay. All right. And you believe that the 3 third visit occurred when?</p> <p>4 A. I have no idea what the exact date is. You're 5 asking me something that I just don't keep in memory.</p> <p>6 Q. All right, was it within the last year?</p> <p>7 A. Yeah, I would think so. Year to --</p> <p>8 Q. Okay.</p> <p>9 A. -- 15 months.</p> <p>10 Q. Now, earlier you mentioned that other evidence 11 you viewed was something with the windows. Did you 12 observe holes in the windows?</p> <p>13 A. Yes, I did.</p> <p>14 Q. Where did you observe holes in the windows of 15 the residence?</p> <p>16 A. The bedroom window closest to the front of the 17 house on the south to southwest side had .223 entry holes 18 up high on the window headed diagonally to the back of 19 the bedroom, shot from the outside in and there were 20 multiple 9 millimeter holes where the bullets had gone 21 through from the front living room area through the 22 bedroom wall at an angle towards the window and had gone 23 through the window and hit the window frame down low near 24 the southeast side of the window towards -- the frame 25 towards the back of the house on the first window closest</p>	<p>1 same side as the bedroom window we just discussed where I 2 found the shell casings.</p> <p>3 Q. And you said something to the effect of you 4 observed the lack of bullet holes and impacts in areas. 5 What exactly were you describing there?</p> <p>6 A. Yeah, I find that incredibly significant to 7 this story and that is the police officers testified in 8 their depositions that they were standing in the living 9 room, they literally positioned themselves (phonetically) 10 in the living room between the front bedroom and the 11 front wall of the house. Now, on the interior wall of 12 the front house, that's the only thing that -- that and 13 the window -- windows there are the only thing that a 14 bullet could hit and these officers testified to bullets 15 whizzing past them, multiple rounds, a barrage of fire 16 one officer described, and literally there's not a single 17 bullet mark on the shield, there's not a single officer 18 that was hit and, so, the only thing left to stop these 19 bullets whizzing past them is the inside of the front 20 wall of the home and there's not a single mark on that 21 front wall wallpaper and I find that enormously 22 significant to this story.</p> <p>23 Q. All right, did you observe bullet holes to the 24 south side wall, the south side interior wall outside of 25 Isaiah's bedroom door?</p>

<p style="text-align: right;">Page 190</p> <p>1 A. There were .223 bullet impacts, about 14, on 2 the south side, yes. 3 Q. We'll come back to that. All right. And you 4 said something to the effect of evidence had been moved. 5 What were you referring to there? 6 A. Where the TV was located in the dining room, 7 there was a box at the base of that that's in the 8 evidence photos from the police the day of the shooting 9 and it contained a bunch of video games and it had a 10 bunch of blood spatter on it. When I got there on the 11 day after, the grandfather told me that a policeman took 12 that box of video games and carried it downstairs and put 13 it downstairs on the basement floor and, so, I went down 14 there to look and I went down in the basement with a 15 flashlight and I found the box that was in the evidence 16 photos upstairs had been moved downstairs. Now, I don't 17 think the guy in the wheelchair moved it downstairs. I 18 think that's probably unlikely. And I think -- 19 Q. What -- 20 A. -- his story of them moving that piece of 21 evidence downstairs is highly credible. 22 Q. What time did you visit the home on June 7, 23 2020? 24 A. I think -- I think we were there around noon, 25 maybe one o'clock, and we stayed until almost dark.</p>	<p style="text-align: right;">Page 192</p> <p>1 Mr. Andrews, you agree that Exhibit C, the report you've 2 authored in this case, doesn't contain any mention of a 3 cell phone video depicting a uniformed member of the City 4 Police Department moving a box out to the dumpster; 5 correct? 6 A. It probably doesn't because I didn't -- I 7 didn't think, you know, that that was something that the 8 report needed to focus on, but I can -- I can certainly 9 add it if you like. 10 Q. Have you described every piece of evidence 11 that you claim that the City Police Department left 12 behind following this shooting on June 7, 2017? 13 A. By "left behind," do you mean physically or 14 never photographed or, I mean, how -- how -- how 15 expansive do you want me to answer that question, ma'am? 16 Q. Both. 17 A. Okay, so, as far as physical evidence, the one 18 brass case at the back of the kitchen, the two brass, two 19 Hornady .223 cases out on the ground, and the two Hornady 20 cases on the porch and the bullet that's in the baseboard 21 right where -- just past where Isaiah Hammett's body was, 22 I believe that is the physical evidence that I witnessed 23 left behind. 24 As far as not photographing evidence, the not 25 photographing the bullet impacts on the dining room floor</p>
<p style="text-align: right;">Page 191</p> <p>1 Q. Do you know what time this shooting happened 2 on June 7? 3 A. Based on the video that I looked at, around 4 10:30 in the morning on the 7th, 10:45; somewhere in 5 that -- that range. 6 Q. So, you visited the home approximately 24 7 hours later? 8 A. Yes, ma'am. 9 Q. And -- 10 A. Now, the -- 11 Q. -- you test -- 12 A. -- the -- I didn't answer -- fully answer your 13 other question. The other piece of evidence that was 14 clearly moved was the box that the AK-47 was in. That 15 was removed from the home and thrown away in a dumpster. 16 Q. Do you have personal knowledge, did you watch 17 the SLM- -- the -- someone with the City Pol- -- Did you 18 watch that or see that box be moved or are you relying 19 on -- 20 A. No, I saw the video -- 21 Q. -- the statement -- 22 A. -- on the girl's phone and I saw the box in 23 evidence in the bedroom in St. Louis City's photographs 24 the day before. 25 Q. We'll come back to that. Okay, and,</p>	<p style="text-align: right;">Page 193</p> <p>1 I found -- find an amazing omission. Leaving the brass 2 outside, not finding the bullet in the wall I find an 3 amazing omission. And also specifically, if you look at 4 the evidence tags, there's only two 9 millimeter cases 5 that are tagged by the evidence team yet there's more 9 6 millimeter cases than that in the Evidence Room in the 7 envelopes that I opened, so I find that fascinating. 8 Q. We'll come back to that. Let -- Let's stay on 9 the physical evidence that you claim was left behind. 10 Anything else that we haven't already discussed? 11 A. I think -- I think that's the bulk of it. I 12 don't recall anything else right now. 13 Q. What did you do with that evidence, did you 14 move it? Did you touch it? 15 A. I took a blade of grass, inserted it into 16 brass case, and picked it up and placed it into ziplock 17 bag and gave it to the ArchCity Defender attorney named 18 Martha. 19 Q. Describe for me where exactly that -- that 20 casing was located. 21 A. Ma'am, you've asked me that before. Do 22 we want to -- 23 Q. Yeah, I -- 24 A. -- go over that again? 25 Q. Yes --</p>

<p style="text-align: right;">Page 194</p> <p>1 A. Okay.</p> <p>2 Q. -- I --</p> <p>3 A. So --</p> <p>4 Q. -- need to know specifically --</p> <p>5 A. Okay.</p> <p>6 Q. -- the one you picked up, where it was</p> <p>7 located.</p> <p>8 A. Well, I picked up all of them and put them in</p> <p>9 a ziplock bag, all five cases, so...</p> <p>10 Q. Why didn't you attempt to contact the City</p> <p>11 Police Department so that they could inventory that</p> <p>12 evidence?</p> <p>13 A. I figured I'd give it to an attorney involved.</p> <p>14 If you can't trust a ward of the court, who can you</p> <p>15 trust?</p> <p>16 Q. What led you to believe that the attorney from</p> <p>17 ArchCity was involved in this investigation?</p> <p>18 A. Because she was on scene and said she</p> <p>19 represented Gina Torres.</p> <p>20 Q. So, it's your testimony that all of the shell</p> <p>21 casings that you observed when you went to the home on</p> <p>22 June 7, 2017, you collected, put into plastic bags, and</p> <p>23 gave to an attorney with ArchCity Defenders?</p> <p>24 A. I recall giving the brass to the attorney. As</p> <p>25 far as the number and everything, I don't know that I</p>	<p style="text-align: right;">Page 196</p> <p>1 Q. (Counsel complying with witness' request.)</p> <p>2 A. Okay, can you scroll down about half a page?</p> <p>3 Q. (Counsel complying with witness' request.)</p> <p>4 A. Stop. You went too far. Just give me the</p> <p>5 bottom half of that page.</p> <p>6 Q. (Counsel complying with witness' request.)</p> <p>7 A. Okay, can we go to Page 7, please, the top?</p> <p>8 Q. (Counsel complying with witness' request.)</p> <p>9 A. Okay, can you go to the bottom half of that</p> <p>10 page, please?</p> <p>11 Q. (Counsel complying with witness' request.)</p> <p>12 A. Okay, can you scroll down to the top of Page</p> <p>13 8, please?</p> <p>14 Q. (Counsel complying with witness' request.)</p> <p>15 A. Come up one line.</p> <p>16 Q. (Counsel complying with witness' request.)</p> <p>17 A. Okay, thank you.</p> <p>18 Okay, can you scroll to the bottom half of</p> <p>19 that page, please?</p> <p>20 Q. (Counsel complying with witness' request.)</p> <p>21 A. Okay, can you go to the top half of Page 9,</p> <p>22 please?</p> <p>23 Q. (Counsel complying with witness' request.)</p> <p>24 A. Can you go to the bottom half of that page,</p> <p>25 please?</p>
<p style="text-align: right;">Page 195</p> <p>1 could give you the exact number. But I guarantee you it</p> <p>2 was at least two. It was probably all of them.</p> <p>3 Q. Probably all of them?</p> <p>4 A. I just don't -- I don't have a perfect</p> <p>5 recollection from three years ago.</p> <p>6 Q. And it's true that none of this information</p> <p>7 was included in your report; correct?</p> <p>8 A. I don't know about that. I think -- I think</p> <p>9 we talked about cases being outside in the report.</p> <p>10 Q. Let's pull up your report.</p> <p>11 A. I mean, St. Louis City photographed cases</p> <p>12 outside the home and put evidence placards on them. They</p> <p>13 just didn't find them all.</p> <p>14 Q. Can you help me locate in your report where</p> <p>15 you made mention of these leftover shell casings and the</p> <p>16 fact that you gathered them and gave them to an attorney</p> <p>17 with ArchCity Defenders?</p> <p>18 A. Yeah, can you go to Page 1 so I can just start</p> <p>19 scanning?</p> <p>20 Q. Sure.</p> <p>21 A. That would be great, thank you.</p> <p>22 Q. Okay. All right. Please let me know if I'm</p> <p>23 going too fast or too slow.</p> <p>24 A. I'm trying to get down to the regular report.</p> <p>25 Okay, slow down. Stop.</p>	<p style="text-align: right;">Page 197</p> <p>1 Q. (Counsel complying with witness' request.)</p> <p>2 A. Okay, scroll down to top of Page 10, please.</p> <p>3 Q. (Counsel complying with witness' request.)</p> <p>4 A. Okay, bottom half of that page, please.</p> <p>5 Q. (Counsel complying with witness' request.)</p> <p>6 A. Scroll down top half of Page 11, please.</p> <p>7 Q. (Counsel complying with witness' request.)</p> <p>8 A. Bottom half of Page 11, please.</p> <p>9 Q. (Counsel complying with witness' request.)</p> <p>10 A. Scroll down to the top half of Page 12,</p> <p>11 please.</p> <p>12 Q. (Counsel complying with witness' request.)</p> <p>13 A. Bottom half of that page, please.</p> <p>14 Q. (Counsel complying with witness' request.)</p> <p>15 A. So, top half of Page 13.</p> <p>16 Q. Okay.</p> <p>17 A. Bottom half of that page, please.</p> <p>18 Q. (Counsel complying with witness' request.)</p> <p>19 A. Top half of Page 14, please.</p> <p>20 Q. (Counsel complying with witness' request.)</p> <p>21 A. You know, I think that I did not include that</p> <p>22 and I think that the reason why is I didn't feel like my</p> <p>23 report, that my job was to criticize the evidence</p> <p>24 technicians. It was a massive scene with over -- almost</p> <p>25 a hundred rounds fired and I just didn't want to nitpick</p>

<p style="text-align: right;">Page 198</p> <p>1 the evidence technician team because it's an enormous job 2 in that situation to collect that much evidence and I 3 also don't find it terribly significant to the problems. 4 The things that I put in the report, like shooting Isaiah 5 Hammett while he was on the ground, I find much more 6 significant than an evidence technician missing a couple 7 of cases and I think that's probably why I didn't include 8 it, but I can certainly add those things if you think 9 they need to be in there. 10 Q. I'll let you address that with Mr. Dowd. 11 A. Roger that. 12 Q. Now, are there any other opinions that you 13 intend to provide at trial in this matter that are not 14 included in this report or information that you relied 15 upon in rendering the opinions that you did not identify 16 in this report? 17 A. Well, I'm under the opinion that the scene was 18 manipulated and that the evidence was compromised. I'm 19 clearly under that opinion at this point. I am -- 20 Q. What is your -- 21 A. I'm sorry? 22 Q. What is your basis for saying the scene is 23 manipulated, anything beyond what we've already 24 discussed? 25 A. No, I think the box being hidden, the door</p>	<p style="text-align: right;">Page 200</p> <p>1 it downstairs and they stuck it under the blood drip 2 coming through the floor from the blood of the body of 3 Isaiah Hammett. And that's exactly where I found it. 4 Q. Did you do any kind of chain of custody or are 5 you aware with the evidence that you -- you located while 6 you were out there? You just gathered it and put it in a 7 bag and handed it to Chelsea (sic) from ArchCity 8 Defenders? 9 A. I did. 10 Q. Was the attorney's name Chelsea Merta? 11 A. No, it was Martha, not Chelsea. 12 Q. Martha, okay, okay. 13 A. Yeah. 14 Q. Martha -- 15 A. Yes, ma'am. 16 Q. -- I was confused. Chels- -- 17 A. I believe her first -- I believe her first 18 name is Martha. You must know somebody named Chelsea 19 there, but I don't know -- 20 Q. Okay. 21 A. -- anyone named Chelsea there. I've only met 22 Martha. 23 Q. Mar -- Marta. 24 MR. DOWD: Martha -- 25 Q. Okay, you know --</p>
<p style="text-align: right;">Page 199</p> <p>1 being removed, the photographs of the impacts on the 2 floor not being photographed, the 9 millimeter shells not 3 being photographed, you know, all of these things -- the 4 box being carried downstairs, the wiping of the blood, 5 all of these things are issues that don't seem to follow 6 normal protocols in preservation of evidence. 7 Q. Sir, you've described two boxes that are being 8 moved, the first box you -- you claim that you saw a 9 video of someone moving a -- the AK box to a dumpster and 10 then there's a second box that contained video games by 11 the -- 12 A. Yes. 13 Q. -- TV in the dining room -- 14 A. Yes. 15 Q. -- that's what you've described? 16 A. Yes, ma'am, that had a lot of blood spatter on 17 it. 18 Q. All right. Did you personally observe that 19 second box, the box by the TV in the dining room, did you 20 personally observe that being moved downstairs? 21 A. No. No, it -- it was in the photographs that 22 St. Louis City provided of the scene of the dining room, 23 and then when I got there the second day, it was in the 24 basement and the grandfather said that someone carried -- 25 a police officer carried that box into the basement, took</p>	<p style="text-align: right;">Page 201</p> <p>1 MR. DOWD: -- Fernan- -- Martha Ferdinand. 2 Q. Okay. And was she present the entire time you 3 were at the -- the residence? 4 A. Yes, I think so. 5 Q. Was Gina Torres present -- 6 A. Hold one second. I'm sorry, I've got this fly 7 buzzing me and I missed him. 8 Q. Was Gina Torres present during your inspection 9 the day after the shooting? 10 A. Part of the time. 11 Q. Dennis Torres was there -- 12 A. The whole -- 13 Q. -- correct? 14 A. The whole time I was there. 15 Q. All right. Was Jeffrey Hill present that day? 16 A. I don't remember. I didn't talk to him much I 17 don't think. If he was there, he wasn't there for very 18 long. 19 Q. There was a teenager you described? 20 A. There was a female about 16 years old. 21 Q. And there was someone named -- The -- The 22 person who showed you the video, what was his or her 23 name? 24 A. You asked me that. I don't know that person's 25 name. You asked me if Gina had the video and I told you</p>

<p>Page 202</p> <p>1 I think she may. Someone told me she did have it, so 2 maybe she does. 3 Q. Did you identify someone as named Sid? 4 A. Yes, Sid was the photographer that was 5 following me around when I would point out bullet hole 6 impacts or brass casings or bullets in walls or blood 7 spatter or tissue from Isaiah's body, she would take 8 a pic- -- he or she would take a picture of it. 9 Q. Was anyone else present that day in the 10 home -- in or around the home? 11 A. Not that I recall. 12 Q. So, aside from yourself, there were at least 13 five other people present during your inspection on 14 June 8, 2017? 15 A. Yes, ma'am. 16 Q. Do you have any written correspondence that 17 you've exchanged with Mr. Dowd that relates to 18 information upon which you rely to render your opinions 19 in this case? 20 A. We have corresponded with e-mails. I am sure 21 that he -- he could do whatever with that that follows 22 the rules. I don't know the rules, so... 23 Q. And -- And I'm -- I'm asking did any of those 24 e-mails contain information on which you rely to render 25 your opinions in this case.</p>	<p>Page 204</p> <p>1 A. Yeah, I would -- 2 Q. -- to the scene? 3 A. -- say at least six months. 4 Q. So, just to flesh this out a bit, you would 5 agree that when you visited the scene on June 7, 2017, 6 that the majority of the cartridge cases -- the cartridge 7 cases depicted in the photos, the vast majority of them 8 had been removed from the scene by the time you arrived; 9 correct? 10 A. Yes, ma'am, I would say 90 percent or more. 11 Q. So, when you say that the photographs provided 12 by the Police Department accurately depict what you saw 13 at the time of your ballistics analysis, what are you 14 referring to because certainly there was no -- there were 15 much of the ballistics evidence had been removed from the 16 scene? 17 A. Okay, so, the terminal ballistic evidence, I 18 probably -- I may have needed to be more specific there, 19 but the terminal ballistic evidence, the impacts of the 20 bullets, everything was still intact. You know, you 21 could trace the trajectories of the handgun bullets 22 through two layers of walls and the windows. You could 23 see very clearly that the police photos matched the 24 photos that we took that day. You know, it was fairly 25 consistent from a bullet impact standpoint and, of</p>
<p>Page 203</p> <p>1 A. I would think so. It cou- -- It's possible. 2 He was basically sending me information to analyze, so 3 I'm not sure there's a lot of it. 4 Q. And going back to your Affidavit, number -- 5 Paragraph (sic) 6, you state that, "The photographs 6 provided by the St. Louis Police Department accurately 7 depict what I saw at the time of my ballistics analysis." 8 A. Except for the omissions of the shootings at 9 the ground, at the floor and some of the bullet holes 10 that were omitted and the cases that were not found. 11 Except for those omissions that we previously discussed, 12 I would say -- I would say yes. 13 Q. And when did you review the photographs taken 14 by the St. Louis Police Department? 15 A. There are hundreds and hundreds of 16 photographs. I reviewed them over a period of almost two 17 and a half years. 18 Q. When were you first provided those 19 photographs? 20 A. The date that Mr. Dowd e-mailed them to me. 21 And I can't -- I can't tell you exactly when. 22 Probably -- Probably 2018 time frame was when it started. 23 Q. So, that's -- you didn't review those photos 24 until let's say at least approximately six months after 25 this incident and after your visit --</p>	<p>Page 205</p> <p>1 course, they missed some bullet impacts and they missed 2 some brass casings, but I'd say they got 90-plus percent 3 of it. 4 Q. Did you say something earlier about you 5 observed that bullets impacted the window by the front 6 door? Did that -- Did we -- 7 A. The -- 8 Q. Did I -- 9 A. -- bed- -- 10 Q. -- understand that? 11 A. The bedroom window on the side of the house 12 closest to the front door, yes, ma'am. 13 Q. Okay, you didn't observe any ballistics damage 14 on the front window facing the street? 15 A. None. That was completely intact. 16 Q. What else did you do during your site visit on 17 June 7, 2017? 18 MR. DOWD: What else what? 19 Q. What else did you do? 20 A. Well, other than talk to the people that were 21 on scene that we've discussed and look at the physical 22 evidence and take measurements and scan the outside, I 23 walked out the back and watched the kids go and retrieve 24 the box out of the dumpster to see if it was, in fact, 25 where the video showed it to be. I walked out the back</p>

<p style="text-align: right;">Page 206</p> <p>1 and went down the stairs and watched them run down 2 three hou- -- three or four houses and pull it out of the 3 dumpster. 4 Q. Did you include that information in your 5 report that you observed children removing evidence from 6 the shooting scene from a dumpster? 7 A. No, I don't think I did. 8 Q. Why not? 9 A. Because the most significant thing to me is 10 that this -- this young man was shot on the ground and 11 that the -- the deposition testimony of the officers that 12 did the shooting claiming that bullets were whizzing past 13 them, being shot at them didn't show any impacts on the 14 front wall, which would have clearly been there had their 15 stories been true. And the fact that they claim that the 16 kid shot first with the AK-47 and the video we have with 17 the handgun is four shots from a handgun being fired are 18 the first four shots. And, so, to me that's much more 19 significance -- significant than -- than manipulation of 20 evidence or, you know, taking, removing evidence, you 21 know, that sort of thing. I -- You know, I'm not here to 22 prosecute police officers, I'm here to look at ballistic 23 evidence, and, so, I tried to focus on that in my report. 24 It's not my job in a criminal trial to catch a police 25 officer obstructing justice. It's my job to look at the</p>	<p style="text-align: right;">Page 208</p> <p>1 We looked at the angles of entry paths into the wood 2 floors. We -- We looked at some of the -- like the 3 bullet that was still in the baseboard of the wall that 4 no one had removed. The attorney that was there, Martha, 5 said she would get someone with a sawzall to cut it out 6 and leave it in the position it was in in the wall, and 7 when we got there, it was still there, no one had cut it 8 out, so it was still there and we -- we looked at that. 9 And we took some photographs. 10 Q. Did you take measurements of the bullet holes 11 when you were at the residence on June 8, 2017? 12 A. Yes. 13 Q. And -- And, again, you don't have any 14 documentation of those measurements? 15 A. Photographs. 16 Q. On -- You -- You have -- You -- 17 A. Sid -- Sid took photographs of that. 18 Q. Do you have -- You're not sure if you have 19 those photographs; correct? 20 A. I don't think I have it, but the family might 21 or Richard might have it. 22 Q. Did you take measurements of every bullet hole 23 you observed on June 7 -- or June 8, 2017? 24 A. No, because it's only valid to measure an 25 entry hole. It's not valid to measure the exit holes.</p>
<p style="text-align: right;">Page 207</p> <p>1 ballistic evidence and try and make sense of a scene that 2 is more complicated than anything I've ever heard of 3 and -- and to -- to -- to draw some logical conclusions. 4 Q. What is your basis for saying -- 5 MR. DOWD: I'm going to object and move to 6 strike as being nonresponsive and a narrative. 7 Q. All right. What is your basis for saying that 8 the scene was more complicated than anything you had ever 9 heard of? 10 A. Well, I train snipers to shoot a bad guy with 11 one shot. There were over 90 shots fired by the police. 12 I think that's a pretty solid basis. 13 Q. Have you ever performed -- Well, strike that. 14 What did you do -- What was the purpose for 15 returning to 5414 South Kingshighway in February of 2019? 16 A. I think that Mr. Dowd said I want you to show 17 me what you're talking about, I want to see it for 18 myself. And I said okay, let's go to the house. Let's 19 take a look. 20 Q. And who was present at the house on the day 21 you did the second site visit? 22 A. I think the only guy I recall being there may 23 have been the grandfather. I honestly don't remember. 24 Q. Okay. What did you do on that day? 25 A. We took calipers and measured bullet impacts.</p>	<p style="text-align: right;">Page 209</p> <p>1 Q. Did you measure every entry hole that you 2 observed? 3 A. Every one that I could easily access, I sure 4 did. I was looking for a 7 -- a 7.62 hole to exonerate 5 the officers. I looked at every hole I could find. 6 Q. All right. Sir, I want to pull up a 7 photograph, if you could bear with me for one second. 8 Sir, I'm directing your attention to a 9 photograph that's been previously marked as Exhibit 10 K (sic), Defendants' Exhibit K (sic). Do you recognize 11 the image depicted in this photograph? 12 A. I absolutely do. 13 Q. What is it? 14 A. It looks like the front door of the house open 15 and the photographer standing out on the front porch and 16 photographing the entryway to the house and the front 17 bedroom door of the bedroom on the south side of the 18 home. 19 Q. And turning to Paragraph -- I'm sorry -- Page 20 7 of your report, you state -- well, let me get there -- 21 "[...] I measured every bullet hole. There are no bullet 22 hole entries in the home that match the Sporter Rifle 23 which is a 7.62 caliber gun." 24 A. Yes, ma'am. 25 Q. So, is it your testimony today that you took</p>

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<p>1 measurements of every hole depicted in this photo?</p> <p>2 A. So, some of those holes are exit holes and</p> <p>3 some of those holes are entrance holes and, so, I</p> <p>4 measured the entrance holes. There's no point in</p> <p>5 measuring an exit hole 'cause it's always dramatically</p> <p>6 larger than the diameter of the bullet.</p> <p>7 Q. Okay. And can you identify for us which holes</p> <p>8 you believe are entry holes?</p> <p>9 A. They're all the small ones where you don't see</p> <p>10 drywall pushed out. So, there's here, okay, and there's</p> <p>11 all of these entry holes on the door, shooting into the</p> <p>12 door. There's a bunch of them. See where this comes to</p> <p>13 a point next to the door frame, they look like tornadoes</p> <p>14 on their side? The entry into that plaster and the</p> <p>15 fabric of the -- of the dry- -- of the wallpaper, which</p> <p>16 isn't paper, it's fabric in these old homes and it's</p> <p>17 extremely thick, it leaves an incredible accurate --</p> <p>18 Q. Sir, and I think you're --</p> <p>19 A. -- hole.</p> <p>20 Q. -- you're getting a bit -- a bit ahead. Can</p> <p>21 you just identify which holes you believe are entry</p> <p>22 holes?</p> <p>23 A. Well, I told you all the small ones over here.</p> <p>24 Q. Well --</p> <p>25 A. To --</p>	<p>1 A. (No response.)</p> <p>2 Q. Mr. Andrews, can you see my cursor moving?</p> <p>3 A. I do. I see it now.</p> <p>4 Q. All right.</p> <p>5 A. So, take --</p> <p>6 Q. Direct my cursor.</p> <p>7 A. Take your cursor 45 degrees to the northwest.</p> <p>8 Q. (Counsel complying with witness' request.)</p> <p>9 A. Up and to the left.</p> <p>10 Q. (Counsel complying with witness' request.)</p> <p>11 A. Down, down.</p> <p>12 Q. (Counsel complying with witness' request.)</p> <p>13 A. There.</p> <p>14 Q. All right, it's your opinion that that is an</p> <p>15 entry hole?</p> <p>16 A. Yes, and if you go closest to the door frame,</p> <p>17 that -- that hole appears to be an entry hole. And if</p> <p>18 you come over to the left of the first one, you see</p> <p>19 another entry hole. And if you go up and to the left,</p> <p>20 stop right there. Now, go high, the highest hole in the</p> <p>21 picture to the left now slightly, there's an en- --</p> <p>22 there's an entry hole over there. These large holes</p> <p>23 where you see big chunks of plaster blown out and the</p> <p>24 wallpaper pointing towards you are probably exit holes.</p> <p>25 Q. All right. Mr. Andrews, what was the</p>
Page 211	Page 213
<p>1 Q. -- you're --</p> <p>2 A. -- the left.</p> <p>3 Q. -- pointing. We --</p> <p>4 A. To the left.</p> <p>5 Q. -- cannot --</p> <p>6 A. Oh --</p> <p>7 Q. -- see where --</p> <p>8 A. -- you can't --</p> <p>9 Q. -- you're pointing.</p> <p>10 A. You can't see where pointing. So, there's</p> <p>11 holes to the left of the door that are entry holes and</p> <p>12 there's many, many holes in the door itself.</p> <p>13 Q. Which holes to the left of the door are entry</p> <p>14 holes?</p> <p>15 A. The small ones near the bottom and one at the</p> <p>16 top.</p> <p>17 Q. Which holes are you referring to?</p> <p>18 A. Okay. So --</p> <p>19 MR. DOWD: Asked and answered.</p> <p>20 Q. Well, we're, of course --</p> <p>21 A. So, the holes -- See the --</p> <p>22 Q. -- at a disadvantage.</p> <p>23 A. -- small ones at the bottom and the small one</p> <p>24 at the top and the -- and the --</p> <p>25 Q. Can you see my cursor?</p>	<p>1 measurement of the bullet hole that my cursor is</p> <p>2 currently on?</p> <p>3 A. That looks like a .223 hole.</p> <p>4 Q. Yeah, what is -- what was the measurement you</p> <p>5 took when you measured it, what did that measure?</p> <p>6 A. .223. .224 --</p> <p>7 Q. Okay.</p> <p>8 A. -- actually.</p> <p>9 Q. How do you know that?</p> <p>10 A. 'Cause we placed a caliber (sic) inside the</p> <p>11 hole from three different axes (phonetically) to check</p> <p>12 its inside dimension, what we call the ID or inside</p> <p>13 diameter.</p> <p>14 Q. Okay, and you are relying on your memory in</p> <p>15 telling us here today that that measured 22.4?</p> <p>16 A. .224.</p> <p>17 Q. Are you relying upon your memory --</p> <p>18 A. No, I can --</p> <p>19 Q. -- to answer the --</p> <p>20 A. -- I can see it.</p> <p>21 Q. I -- I guess I'm a little confused,</p> <p>22 Mr. Andrews. You -- You said that you measured the hole</p> <p>23 and it was a .224 diameter?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. Where are you getting that information?</p>

<p style="text-align: right;">Page 214</p> <p>1 A. I told you from the caliper when I measured 2 it. 3 Q. Yes, but as you sit here today, where are you 4 getting that information? 5 A. Ma'am, there's a dramatic difference in the 6 size of the handgun hole and a .223 hole. This is not 7 hard. 8 Q. Right. Are you -- Is it your testimony that 9 every hole you measured was exactly .224? 10 A. No, that's not my testimony at all. 11 Q. Okay. So, how do you know sitting here today 12 as you view this photograph that this particular hole, 13 the hole in the upper left-hand corner of the photo, 14 measured two-two -- .224? 15 A. Because it's the proportional size of a .223 16 hole. Ma'am, I've looked at hundreds of thousands of 17 bullet holes in my life. I can tell the difference 18 between a .223 hole, a .308 hole, and a 9 millimeter 19 handgun hole. This is not hard. 20 MS. MCGOWAN: Okay. Let's do a quick break, 21 five minute break, and we'll come back to this if 22 that's all right. 23 MR. DOWD: Okay, but we are on our sixth hour. 24 MS. MCGOWAN: I know. Let's go off the record 25 and talk about that for one second.</p>	<p style="text-align: right;">Page 216</p> <p>1 bullet holes that -- 2 A. So -- 3 Q. -- you believe were -- 4 A. So, what -- 5 Q. -- entry points; correct? 6 A. -- what I think the most accurate way for me 7 to convey, I'm not sure with all of these bullet holes 8 that I can do it by memory or do it by sight of these 9 photographs. I mean, I'll be honest with you, there are 10 do- -- there are holes in the door that I can clearly say 11 are .223 holes simply because of their proportion, their 12 size, and the nature of the wood markings, but I don't 13 think that I can go hole by hole and tell you from 14 looking at the picture exactly what the diameter is or 15 even if it's an entry or exit hole from the photograph. 16 I kind of have to see the other side of the wall and see 17 the path through to really be able to do that accurately 18 and scientifically, so -- 19 Q. Now, sir, before we went on break, you 20 testified that I believe this bullet hole measured .224; 21 is that correct? 22 A. Well, I'd like to correct that 23 testimony 'cause when we went on break, I blew the 24 picture up and looked at it closely and that actually 25 looks like an exit hole to me, so it's not -- it's not</p>
<p style="text-align: right;">Page 215</p> <p>1 VIDEOGRAPHER: At -- 2 MR. DOWD: Okay. 3 VIDEOGRAPHER: At approximately 5:02 Central 4 Daylight Time, we are indeed going off the record. 5 (At this point, there was a break taken from 6 5:02 p.m. to 5:25 p.m.) 7 VIDEOGRAPHER: At approximately 5:25 Central 8 Daylight Time, we are back on the record in the 9 deposition of L. Samuel Andrews. 10 (Questions by Ms. McGowan) 11 Q. Mr. Andrews, before we went off the record, we 12 were looking at Defendants' Exhibit K-2, the document 13 that you should have up in front of you, and you had 14 testified that there was a particular bullet hole in -- 15 depicted in this photo that measured .224. Using the 16 tool provided in Zoom, are you able to identify, can you 17 mark on the exhibit what hole we were referencing? 18 A. You know, looking at this photograph -- Hold 19 on just a second. I'm trying to see more of the door. 20 Can you show me a little more of the door in the 21 photograph or do I -- 22 Q. Sure, but -- 23 A. -- have to do that here? 24 Q. Well, what I was asking you is we had -- prior 25 to going on break, you had identified some bullet --</p>	<p style="text-align: right;">Page 217</p> <p>1 one that I would measure, and that's when I realized the 2 difficulty of doing this by photograph is going to be 3 really, really tough. 4 Q. Okay. 5 A. I did measure all of the entry holes that I 6 found in the wall and I measured a bunch of them in the 7 doors when I was at the police station and I found 9 8 millimeter and .223 holes. That's what I found and 9 that's what I'll testify to. 10 Q. Sir, did you talk to Mr. Dowd during the 11 break, did you speak to Mr. Dowd by telephone? 12 A. I did. 13 Q. Okay, what did you two discuss? 14 A. We discussed the timing, how he was going to 15 let you go a little longer than the clock, and we 16 discussed what the -- what the rules were on depositions, 17 which I'm not familiar with. 18 Q. Did you discuss the substance of your 19 testimony regarding the bullet holes depicted in this 20 photo? 21 A. He asked me a question. He said how in the -- 22 how in the hell can you tell from the picture, and I 23 said, well, let me blow one up, and I -- I got a close 24 look at it and I realized that there is probably no 25 accurate way to do this by photograph.</p>

<p style="text-align: right;">Page 218</p> <p>1 Q. So, you'd agree that you're changing your 2 testimony after having a conversation with Mr. Dowd 3 during the break? 4 A. No, I'm changing my testimony after looking at 5 a close-up of the photograph and realizing that these 6 photographs are too far away, don't have enough 7 resolution, and you kind of need, with bullet holes 8 through double walls, you kind of need to see the 9 entrance and the exit. You have to see them both in 10 conjunction. 11 MR. DOWD: For -- For the record, my -- I 12 spoke with my paralegal, Jennifer, and she said that 13 we sent you all the pictures that I took with our 14 Rule 26 Disclosures of Mr. Andrews doing the 15 measurements, so that's what you should be using. 16 It actually shows the calipers and the holes. 17 MS. MCGOWAN: All right, well, we'll -- we'll 18 double-check on that, Mr. Dowd. 19 (Questions by Ms. McGowan) 20 Q. In the meantime, Mr. Andrews, so, as you sit 21 here today, are you able to tell me -- you've changed 22 your testimony before where you told me that and you 23 were -- you measured this particular bullet hole, the one 24 depicted in the red circle, and it measured a .224, 25 that's what you told me before break; correct?</p>	<p style="text-align: right;">Page 220</p> <p>1 (At this point, an off-the-record discussion 2 was had.) 3 MS. MCGOWAN: Huh. How do I -- I don't want 4 to stop share, but I want to be able to -- Oh, 5 interesting. Maybe it was just held up. 6 THE WITNESS: There you go. 7 (Questions by Ms. McGowan) 8 Q. All right, is that enough for you to tell me 9 whether you believe that to be an entry or an exit? 10 A. I can't te- -- I -- I can't tell from the 11 photograph. 12 Q. Okay. 13 A. I honestly can't be sure. 14 Q. Moving on, Mr. Andrews, I'm circling a second 15 bullet hole. Do you see where I have circled the hole 16 that is directly -- 17 A. Yes, ma'am. 18 Q. -- to the right of the one we were previously 19 discussing? 20 A. Yes, ma'am. 21 Q. Do you believe that to be an entry or an exit? 22 A. I -- I believe that -- I believe that to be an 23 exit hole. 24 Q. What is your basis for that? 25 A. The shape of the wallpaper extending out</p>
<p style="text-align: right;">Page 219</p> <p>1 A. I -- I believe that that, after look- -- after 2 blowing up the picture and taking a close look at it on 3 break, I believe that's a .223 exit hole. That's what I 4 believe. 5 Q. Sir, my question's different. Did you tell me 6 before we went on break that this was a .224 bullet hole? 7 A. I -- I think I did. 8 Q. Okay. And your testimony now is that you do 9 not know the measurement of that bullet hole? 10 A. No, I told you I think it's a .224 exit hole. 11 Q. Exit. And before you testified that it was an 12 entrance? 13 A. Initially when you asked me that and the 14 picture was far away, it looked like a .223 hole, but 15 when I got up closer to it and got a -- got a look at it, 16 it's definitely an exit hole. 17 Q. All right, and moving to do you see the bullet 18 hole I've circled in red towards the bottom? 19 A. Yes. 20 Q. Okay. As you sit here today, do you believe 21 that to be an exit hole or an entry hole? 22 A. Can you blow it up for me, please, like expand 23 it? 24 Q. Looks like I cannot after -- after I've drawn 25 it -- on it. Hang on. I don't know. It is not working.</p>	<p style="text-align: right;">Page 221</p> <p>1 towards the camera I think and the fact that it's not -- 2 it's not more round in its -- in its deformation. So, 3 when bullets enter paper like this at an -- at this type 4 of angle, they leave a mark similar to the ones on the 5 wall to the right of the door, and when they exit, they 6 leave a mark like this with the paper facing the camera 7 or the photographer. 8 Q. Are there any other marks on this wall, 9 setting aside the marks in the door, that you believe to 10 be exits? 11 A. I would say most -- I would say almost all of 12 these are exit holes based on what I can see. Now, 13 there's an area above the red circle and slightly to the 14 left where there's multiple bullets coming through the 15 same space and that's been corrupted to the point where 16 you won't be able to tell whether bullets came or went or 17 just came or just went. 18 Q. And, sir, you're referring to this area? 19 A. Yes, ma'am. 20 Q. And any other spots where you believe there 21 may be an entry on this wall? 22 A. Well, I think if you went over to the door, I 23 think you'll see a significant number of them that look 24 like entries from the photograph. 25 MR. DOWD: I know -- I know we sent you those</p>

<p style="text-align: right;">Page 222</p> <p>1 pictures that we took at the Department.</p> <p>2 Q. Okay. And, Mr. Andrews, do you see any exit</p> <p>3 holes in the wooden door as you're looking at this?</p> <p>4 A. Oh, yes, I can see one, two, three, four,</p> <p>5 five, six, seven, eight, nine, ten, 11, 12, 13. There</p> <p>6 looks like there's 13 exit holes there.</p> <p>7 Q. Okay. Can you use the annotate tool in Zoom</p> <p>8 and circle all of the exit holes you observe?</p> <p>9 A. I can certainly try, ma'am.</p> <p>10 MR. WHEATON: Erin, sorry to interrupt, but</p> <p>11 the --</p> <p>12 MS. MCGOWAN: Yes.</p> <p>13 MR. WHEATON: -- annotations that you're</p> <p>14 making have disappeared on my screen.</p> <p>15 MS. MCGOWAN: Yes, I -- I went ahead and I</p> <p>16 saved them.</p> <p>17 A. I have to go back to annotations. For some</p> <p>18 reason, it closed itself out when you changed pictures.</p> <p>19 Let me see if I can get back to that. This looks like it</p> <p>20 might work. So, this hole right here, that looks like an</p> <p>21 exit hole to me. I didn't get it a hundred percent. Let</p> <p>22 me go back to a circle, see if I can get a circle to come</p> <p>23 up and that way I can give you a clean -- cleaner look.</p> <p>24 Control Z takes that off. There we go, okay. Let me try</p> <p>25 this again. Okay.</p>	<p style="text-align: right;">Page 224</p> <p>1 Q. -- we were talking about two separate ones.</p> <p>2 A. Okay. Boy, that's going to be tough. Some of</p> <p>3 these bullet holes are extremely close together.</p> <p>4 MR. DOWD: You know --</p> <p>5 A. Try -- Let me try again.</p> <p>6 MR. DOWD: -- we took a lot of close-up</p> <p>7 pictures up at the Department that day of each of</p> <p>8 the holes and sent 'em to you guys.</p> <p>9 A. I wish I had a mouse, I'd be a lot faster at</p> <p>10 this.</p> <p>11 Okay. I would say that these are probably the</p> <p>12 obvious exit holes coming through the door.</p> <p>13 Q. Okay, and did you take measurements of each of</p> <p>14 these holes?</p> <p>15 A. I -- I did and we took photographs of the</p> <p>16 holes, of me measuring the holes at the police station.</p> <p>17 I'm sure Richard sent those to you. But we don't</p> <p>18 measure -- we don't measure the exit hole side. We go --</p> <p>19 We measure on the other side of the door, ma'am.</p> <p>20 Q. So, can you describe your methodology for</p> <p>21 measuring these holes when you were there on June 7,</p> <p>22 2017?</p> <p>23 A. Sure. You place a caliper or an inside</p> <p>24 micrometer, what's called an inside mike that has radius</p> <p>25 pins on it, you place it in the hole, you expand the</p>
<p style="text-align: right;">Page 223</p> <p>1 Okay, that particular mark, because of the</p> <p>2 chips blowing out of the hole vertically, would designate</p> <p>3 it to be highly likely to be an exit hole.</p> <p>4 MS. MCGOWAN: And, Andrew, just as a matter of</p> <p>5 housekeeping, can you save that photo, can you save</p> <p>6 each of these?</p> <p>7 MR. WHEATON: Yes.</p> <p>8 MS. MCGOWAN: Thank you. I appreciate that.</p> <p>9 All right, after you've got that, we'll move on.</p> <p>10 (Questions by Ms. McGowan)</p> <p>11 Q. Well, actually, you know, Mr. Andrews, to save</p> <p>12 some time, can you go ahead and annotate every exit you</p> <p>13 observe?</p> <p>14 A. Well, it's hard from the picture to see what</p> <p>15 are holes and what are wood chips, but I'll certainly</p> <p>16 try. I just don't think it's possible with this lack of</p> <p>17 resolution and this camera angle. I just can't do it</p> <p>18 with a hundred percent certainty. There are obvious ones</p> <p>19 on here that are exit holes that I can be very, very</p> <p>20 certain of, but...</p> <p>21 Can I do two at a time that are close</p> <p>22 together?</p> <p>23 Q. No, I think we need to be able to tell when we</p> <p>24 look at this down the line --</p> <p>25 A. Okay.</p>	<p style="text-align: right;">Page 225</p> <p>1 micrometer in the hole, and you move the micrometer back</p> <p>2 and forth as you put a very slight tension on the tool so</p> <p>3 that it naturally seeks the largest diameter of the hole</p> <p>4 and then you check to make sure that the tool is square</p> <p>5 to the -- to the entry of the hole. And when you have</p> <p>6 all of those things in alignment, then you can get a</p> <p>7 very, very good measurement on the inside diameter of the</p> <p>8 hole.</p> <p>9 Q. And did you repeat that procedure with every</p> <p>10 hole you observed at the residence during your site</p> <p>11 visit?</p> <p>12 A. Well --</p> <p>13 Q. The bullet hole rather.</p> <p>14 A. No, because some of the bullet holes are exit</p> <p>15 holes, some of them are entrance holes.</p> <p>16 Q. Sure.</p> <p>17 A. One --</p> <p>18 Q. On -- On the entrance side, did you repeat</p> <p>19 that with every hole?</p> <p>20 A. Yeah, every -- every hole that I measured on</p> <p>21 the entrance side. Now, there are certain holes where</p> <p>22 you don't have a hole. When the bullet strikes the</p> <p>23 surface at an acute angle, you have half a hole. And,</p> <p>24 so, if you've got 180 degree circle, then you've got</p> <p>25 something to measure. If you don't have 180 degree</p>

<p>Page 226</p> <p>1 circle, then it's more difficult to -- to get a super 2 accurate measurement. 3 Q. Did you use any other tools in performing 4 these measurements? 5 A. Well, the first day I was there I used some 6 radius pins as a sanity check -- they're ground pins that 7 are ground to a certain diameter -- just to make sure. 8 So, if I'm measuring a .224 hole, for instance, then a 9 .229 pin should not go in that hole. It will -- 10 Q. Did you make -- 11 A. -- stop before entering the hole, and I did 12 check some of the holes like that. 13 Q. So, jumping back to, if I may -- 14 MS. MCGOWAN: Andrew, can you take a picture 15 of what Mr. Andrews has marked up here? 16 MR. WHEATON: Yes, I've got one. 17 MS. MCGOWAN: Thank you. Okay. 18 (Questions by Ms. McGowan) 19 Q. And, Mr. Andrews, is it possible -- I'm not 20 sure how we get rid of these -- 21 A. Hold on -- 22 Q. -- little circles. 23 A. -- just a second. Let me see what happens. 24 I'm just Control Z-ing this thing till they're gone. 25 Okay.</p>	<p>Page 228</p> <p>1 plaster walls with cloth wallpaper on the outside that's 2 woven. 3 Q. How do you know that? 4 A. By observing it, looking in the holes with a 5 flashlight. 6 Q. Have you previously studied the effects of 7 bullets fired through plaster walls? 8 A. Yes, ma'am. 9 Q. When? 10 A. Oh, gosh, back in the 1990s, we studied 11 bullets going through tempered glass, untempered glass, 12 plaster, drywall, hardwood, pines, other soft woods, 13 plastic, steel, hardened steel and because the Secret 14 Service and the Navy SEALs want to know how bullets 15 respond when going through just about every material you 16 can name. 17 Q. And with what entity were you working with 18 when you did that? 19 A. Some of that was done through A.R. Tactical 20 and some of that was done through Powell River. Like 21 I -- 22 Q. You said Air -- Air Tactical? 23 A. A.R. Tactical. 24 Q. Oh, A.R. Did you do that work in connection 25 with -- I believe you testified earlier that that work</p>
<p>Page 227</p> <p>1 Q. So, on Page 7 of your report depicted in 2 Exhibit C, you state that, "There are many bullet hole 3 entries that match the diameter of a .223 [...]." So, 4 describe all the bases for that finding. 5 A. Okay, so, once again, we start by measuring 6 the entrance holes, not the exit holes, particularly 7 where frangible bullets are involved in brittle 8 materials. And a .223 is a misnomer. It's -- It's the 9 name of the cartridge, but it's not the actual diameter 10 of the bullet. The actual diameter of a bullet that a 11 .223 shoots is actually .224. Now, it's only a 12 thousandth of an inch difference, but I just want you to 13 know that, that I'm actually looking for .224 in diameter 14 on the entrance holes. 15 Q. How many bullet holes did you find that day 16 that measured .224? 17 A. I think there were clearly evidence of over 80 18 shots being fired of .223, which is a .224 diameter hole. 19 Q. What type of material -- Strike that. 20 Do you know what material the wall depicted in 21 Exhibit K-2 is made of? 22 A. Yes, it has -- it's a beam -- it's a 23 frame/beam structure that has actually hardwood vertical 24 posts on the inside and it has thick plaster, over half 25 an inch of plaster on each side of the wall. They're old</p>	<p>Page 229</p> <p>1 was not performed in connection with crime scene 2 investigations; true? 3 A. No, you don't need a crime to observe terminal 4 ballistics evidence and document tests. 5 Q. Do you know one way or the other whether 6 plaster has propensity to expand -- expand or contract 7 after a bullet has passed through it? 8 A. Plaster will, like everything else, expand as 9 it warms and shrink as it cools. I think the only 10 exception to that is H2O. But plaster will also expand 11 slightly based on the humidity content of it, it'll 12 expand or contract, so the more humidity, the more it 13 expands, and the less humidity, it can contract slightly, 14 but we're talking less than the diameter of a hair, less 15 than 3/1000 of an inch. It's -- In normal temperature 16 ranges on planet earth in Missouri, you're not going to 17 get a big movement of plaster based on humidity or 18 temperature. Very slight growth or shrinkage. 19 Q. Do you know the material the door is made out 20 of? 21 A. It looks like a solid type of pine to me, but 22 I haven't verified that. I'm not -- I can't say that 23 with any certainty. 24 Q. And just to be clear, when you went to the 25 home in June of 2017, was the door present?</p>

<p style="text-align: right;">Page 230</p> <p>1 A. No, it had been removed by the police the day 2 before. 3 Q. And you eventually inspected the door when you 4 went to the police evidence room in June of 2020; 5 correct? 6 A. Yes, ma'am, two and a half years later. 7 Q. So, prior to authoring the Affidavit that 8 you've provided in this case, which we looked at earlier 9 depicted in Exhibit B, it's true that you had not 10 personally inspected the wooden door before rendering 11 your opinions in the Affidavit, in Exhibit B? 12 A. That's -- Yes, that is true. 13 Q. Okay. Prior to drafting this Affidavit, had 14 you reviewed the Incident Report created by the Police 15 Department with regard to this shooting incident? 16 A. Yes, ma'am. 17 Q. Had you reviewed any lab reports? 18 A. Yes, ma'am. 19 Q. Did you review any other incident -- documents 20 related to this incident? 21 A. Yes, ma'am. 22 Q. All right. And what was your basis for saying 23 that you believe that the door might be pine? 24 A. I picked the door up and turned it around when 25 I was at the police lab and I could see some of the grain</p>	<p style="text-align: right;">Page 232</p> <p>1 wall to the left? 2 A. If you were exiting the bedroom, that short 3 wall on the left before you get to the front of the house 4 that's in the picture on the right side of the picture as 5 we view it on the computer. 6 Q. Okay. We'll talk about those holes. I want 7 to pull up a different exhibit prior to that, but prior 8 to doing that, did you make trajectory determinations in 9 your analysis? 10 A. I did on specific bullet holes, not all of 11 them. 12 Q. Which bullet holes did you determine, make a 13 trajectory determination on? 14 A. There are some 9 millimeter handgun holes that 15 were fired at an angle on this wall to the left of the 16 door further over and they went through the window that 17 you can see where the door is cracked and hit the far 18 side of the frame. I traced those trajectories down. I 19 traced down the five shots on the floor in the dining 20 room where Isaiah's body laid where -- where it looks 21 like they shot him on the ground. And I traced four 22 bullet holes. I couldn't find the bullets but could -- 23 but could stick a tight fitting pin in and get a 24 trajectory on the holes that were in the closet of the 25 grandfather in the back of the house --</p>
<p style="text-align: right;">Page 231</p> <p>1 and how it split, but, you know, the beams were hardwood. 2 It could be -- It could be a lighter hardwood door, like 3 what they call swamp ash, which is similar to pine in 4 density, but, you know, it could be fir, which is a type 5 of pine. It's definitely not lignum vitae or, you know, 6 tigerwood or any of the south Mid-American type woods. 7 It's definitely not anything exotic or really hard. 8 Q. Did you perform any tests on this wood? 9 A. Well, nothing scientific. I did stick my 10 fingernail in a section of it to see how hard or soft it 11 was. 12 Q. Did you perform any tests on the plaster walls 13 depicted in Exhibit K-2? 14 A. Other than measuring the diameter of the holes 15 and photographing them, no. 16 Q. As you sit here today, can you identify with 17 any certainty any of the -- the measurements for any of 18 the bullet holes that are entry holes depicted in this 19 photo? 20 A. Actually, I can because I very clear- -- 21 clearly recall measuring the bullet impacts to the right 22 of the door in this photograph. 23 Q. Okay, and you're talking about the -- the wall 24 on the south side of the house? If you were exiting the 25 door depicted in Exhibit K-2, you're talking about the</p>	<p style="text-align: right;">Page 233</p> <p>1 Q. Did you in- -- 2 A. -- and they were -- they were -- they were 3 shot from the standing position and wound up about 20 -- 4 18 to 22 inches off the ground into the closet door in 5 the wall back behind the closet. 6 Q. Sir, did you include any of that information 7 in your report? 8 A. No, I did not. 9 Q. Why not? 10 A. Because I didn't think it was as significant 11 as some of the other evidence. 12 Q. Did you make a determination concerning the 13 bullets depicted in -- any of the bullets depicted in 14 Exhibit K-2? 15 A. Is that the one we're looking at now? 16 Q. Correct. 17 A. So, just to the left of your cursor on that 18 short wall, I made the determination that there were at 19 least 13 .223 entry marks onto the wall. Now, they 20 didn't leave bullet holes, they blew chunks out of the 21 plaster 'cause that's an outside wall with a much thicker 22 coating of plaster. But the interesting thing about 23 those marks is that the entry marks are clearly .224 24 entry marks because right -- if you look at the point, 25 and, you know, maybe I can draw that with the mouse. I</p>

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<p>1 don't know.</p> <p>2 Q. Okay.</p> <p>3 A. But I can share -- So, if you take your cursor</p> <p>4 just slightly lower and to the left --</p> <p>5 Q. Mr. --</p> <p>6 A. -- almost --</p> <p>7 Q. -- Andrews --</p> <p>8 A. -- all the way to the door frame.</p> <p>9 Q. -- can I -- can I interrupt you for a second?</p> <p>10 Before we go into detail on those holes on that wall, are</p> <p>11 there any other bullet holes depicted in this image that</p> <p>12 you made a trajectory determination on?</p> <p>13 A. Yes, the door -- some of the door holes I did.</p> <p>14 Q. Okay. Let me move to a different photograph.</p> <p>15 Bear with me for one moment.</p> <p>16 Okay, well, I guess let's stay on K-2 for</p> <p>17 another couple of questions. Which bullet holes on the</p> <p>18 door did you perform a trajectory analysis for?</p> <p>19 A. Generally the bullet holes that were at an</p> <p>20 acute angle headed toward the short wall on the right.</p> <p>21 Q. Do you recall which ones? Did you --</p> <p>22 A. The ones that traced to the marks on the wall.</p> <p>23 Q. Could you identify them sitting here today?</p> <p>24 A. I could if you -- Do you want me to use your</p> <p>25 cursor or do you want me to circle them?</p>	<p>1 MS. MCGOWAN: Okay, we'll call this K-2-2.</p> <p>2 MR. WHEATON: Remember, I think you said you</p> <p>3 had saved a few screenshots before I started --</p> <p>4 MS. MCGOWAN: Okay.</p> <p>5 MR. WHEATON: -- doing these two, though.</p> <p>6 (At this point, an off-the-record discussion</p> <p>7 was had.)</p> <p>8 MS. MCGOWAN: Andrew, I'll defer to you on how</p> <p>9 you want to label that.</p> <p>10 MR. WHEATON: I mean, we could just call them</p> <p>11 screenshot and numbers, like Screenshot 1, 2, 3, 4.</p> <p>12 MS. MCGOWAN: Okay. Let's go with "2" for</p> <p>13 this one.</p> <p>14 (Questions by Ms. McGowan)</p> <p>15 Q. All right, Mr. Andrews, you've just indicated</p> <p>16 that there is a exit hole on this bottom half of the</p> <p>17 wooden door and you identify what you believe to be a</p> <p>18 corresponding entry hole on --</p> <p>19 A. I would --</p> <p>20 Q. -- the --</p> <p>21 A. -- call it an --</p> <p>22 Q. -- wall?</p> <p>23 A. -- im- -- I would call it an impact mark on</p> <p>24 the wall.</p> <p>25 Q. Are there any other bullet holes depicted in</p>
Page 235	Page 237
<p>1 Q. I want you to circle them.</p> <p>2 A. Okay.</p> <p>3 MR. DOWD: Can you blow them up?</p> <p>4 THE WITNESS: Don't blow them up too</p> <p>5 much 'cause I need to see the door and the wall at</p> <p>6 the same time to answer her question.</p> <p>7 Q. Okay, does that work for you, Mr. Andrews?</p> <p>8 A. You'll have to go -- let me see the lower part</p> <p>9 of the door first. Like to start there. Okay. So, for</p> <p>10 example, this -- Ah, I missed an exit hole on the low</p> <p>11 part of the door. Here it is right here. I'm not sure I</p> <p>12 marked that one, but there's an exit hole right there and</p> <p>13 it corresponds to this impact mark right here.</p> <p>14 Q. Okay. And you're depicting, for the record,</p> <p>15 you've circled in pink two bullet holes.</p> <p>16 MS. MCGOWAN: Andrew, can you take a</p> <p>17 screenshot of this? Should we be giving these</p> <p>18 another designation? It occurs to me that this</p> <p>19 could be confusing down the road. Andrew --</p> <p>20 MR. WHEATON: I do have a screenshot of this</p> <p>21 and, yes, I think it would be a good idea to give</p> <p>22 these designations.</p> <p>23 MS. MCGOWAN: Yeah. Let's call this -- How</p> <p>24 many screenshots have you taken thus far?</p> <p>25 MR. WHEATON: This is the second.</p>	<p>1 this exhibit for which you did a trajectory analysis or</p> <p>2 made a trajectory determination?</p> <p>3 A. Well, there are holes in the door that follow</p> <p>4 a path that lead to these corresponding marks on the</p> <p>5 wall, okay?</p> <p>6 Q. How --</p> <p>7 A. And, so, you're asking me how do I know that</p> <p>8 if I looked at the door at the police station versus at</p> <p>9 the home?</p> <p>10 Q. Just in general, what is your basis, how did</p> <p>11 you conclude that these two bullet holes corresponded</p> <p>12 with one another?</p> <p>13 A. Because I looked at the -- the direction of</p> <p>14 the hole in the door and noticed that it was the hole was</p> <p>15 level to the floor and it was pointed literally at this</p> <p>16 mark that I circled and, so, you'll find on the wall and</p> <p>17 the door exit holes at an acute angle that correspond to</p> <p>18 the marks on the short wall.</p> <p>19 Q. And did you use any tools in making that</p> <p>20 determination?</p> <p>21 A. Laser sight and a flashlight are the two</p> <p>22 things that I had on me the first day I was there.</p> <p>23 Q. Well, I -- I'd asked you your methodology.</p> <p>24 Well, we'll strike that.</p> <p>25 Did you describe this process in your report?</p>

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1 A. No.
2 Q. And it's --
3 A. I don't believe so.
4 Q. And it's true that you didn't include any
5 information concerning the trajectories in your report --
6 A. Oh, no --
7 Q. -- correct?
8 A. -- that's -- that's not true. I specifically
9 mentioned Isaiah being shot on the ground and the --
10 Q. Okay.
11 A. -- five shots on the dining room floor.
12 Q. I'm referring to with regard to the bullet
13 holes in the wooden door and the bedroom wall. Did you
14 include any of that information in your report?
15 A. I did not because I didn't think it was
16 significant to the -- to the case. Like I said, there's
17 a monumental pile of evidence and I sorted through what I
18 thought was most significant and included that in the
19 report.
20 Q. And are there any other bullet holes on the
21 wooden door depicted in this photo? And you can remove
22 those pink circles --
23 A. Okay.
24 Q. -- which you believe to be exit holes --
25 A. Well, in the --

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1 Q. -- that correspond to --
2 A. Yes.
3 Q. Strike that.
4 A. So, unfortunately, with this photograph and
5 with the police removing the door, unless we take the
6 door back to the home and -- and set the laser up, it's
7 going to be extremely difficult where you see a high
8 density of bullets like just above the door handle
9 towards the middle of the door, you see a high density of
10 entry and exits, it's going to be hard to do with any
11 certainty on a deposition from a photograph. I'm not
12 sure that's possible.
13 Q. Now, you described using a laser sight and a
14 flashlight. When did you use a laser sight --
15 A. The first --
16 Q. -- and a flashlight?
17 A. The first day I was there. I have a sight
18 with a -- that goes on a handgun that has a very bright
19 light and a very tightly beamed laser that will shine
20 through these holes. And with the --
21 Q. Okay.
22 A. -- depth -- with the depth of the door, it
23 does allow you to get a pretty good idea of the
24 trajectory of the bullet.
25 Q. Okay, but the -- the door was not present when

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1 you visited the home in June of 2017; correct?
2 A. No, but you could see the acute angle through
3 the door, but I did that with holes in the wall. But you
4 can -- when I inspected the door, you could see the shots
5 that were acute angles that would have obviously impacted
6 that side wall.
7 Q. When you say "acute angle," are you referring
8 to the -- to bullet holes that didn't make a perfectly
9 perpendicular entry with the door or wall?
10 A. Yeah, so, if you describe the door as a plane,
11 a perpendicular hole the trajectory would be 90 degrees
12 from the plane of the door. An acute angle would be less
13 than 90.
14 Q. Sure, so bullets entering the wall or door
15 obliquely, would that be another way to describe it?
16 A. I don't know if I would use that word, but I
17 would say this, that it's obvious when you're looking at
18 the entry hole because the entry hole is actually oval
19 rather than round. It's pretty easy to spot them when
20 you're physically looking at the door. Difficult on a
21 picture, but pretty easy when you're there physically
22 with the door.
23 Q. What is the diameter of a 7.69 bullet?
24 A. There -- I don't know of a 7.69. Do you mean
25 7.62, ma'am?

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1 Q. Yes, that's what I mean, seven point --
2 A. So --
3 Q. -- six-two.
4 A. -- there are two answers to that question and
5 it depends on whether you're shooting NATO ammunition
6 like a .308 or a 7.62 by 51 or whether you're shooting
7 Russian ammunition, which is a 7.62 by 39. They're
8 actually different diameter bullets even though they both
9 carry the 7.62 designation.
10 Q. Did you find any bullet entries, bullet hole
11 entries, at the house that match either of those
12 measurements?
13 A. I couldn't find any in the walls that matched
14 the .311 diameter that would have been shot through the
15 AK. So, .311 is the spec, but the actual bullet
16 manufacturers make the bullet around .312, .3115.
17 Q. And what is your -- what are you relying on
18 for that opinion?
19 A. How is that an opinion?
20 Q. Well, what -- what --
21 A. The diameter -- --
22 Q. -- what information or --
23 A. -- of the bullet?
24 Q. Yeah, what information are you relying upon
25 when you say that the manufacturers actually manufacture

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<p>Page 242</p> <p>1 them at .312 or .315 (sic)?</p> <p>2 A. .3115.</p> <p>3 Q. Yeah, what are you relying on?</p> <p>4 A. Well, there's -- there's a couple of standards</p> <p>5 for the barrel and they're -- they're controlled by an</p> <p>6 organization called SAAMI in America. It's -- It's</p> <p>7 S-A-M-M-I (sic). And the SAAMI drives the official</p> <p>8 specifications. And the reason they have an organization</p> <p>9 controlling that is so that a manufacturer can make</p> <p>10 bullets for any barrel manufactured by anyone to a</p> <p>11 certain specification and not overpressure the gun. And,</p> <p>12 so, the barrel land and groove diameters are held to an</p> <p>13 extremely tight tolerance and then the bullets vary about</p> <p>14 4/10000 of an inch in diameter depending on at what point</p> <p>15 in the die's life the bullet is made by that die.</p> <p>16 Q. And, I'm sorry, just to make sure you answer</p> <p>17 the question, that information you've obtained from --</p> <p>18 from where?</p> <p>19 A. That comes from the SAAMI organization that</p> <p>20 controls the specifications on barrels and bullets and</p> <p>21 pressures.</p> <p>22 Q. And what document specifically are you relying</p> <p>23 upon, is that a document put out by SAAMI?</p> <p>24 A. Well, it's on the SAAMI website. If you -- If</p> <p>25 you want to look at any particular cartilage, you can</p>	<p>Page 244</p> <p>1 confused. Can you explain that again?</p> <p>2 A. When you look at a tight grouping of holes</p> <p>3 that were obviously fired from the same weapon from the</p> <p>4 same position, they all have an identical trajectory.</p> <p>5 You don't need to look at all of them. You can see with</p> <p>6 your eye if there's a slight variance and then you would</p> <p>7 inspect that. But when you've got a grouping of holes --</p> <p>8 Two people cannot occupy the same space with two weapons,</p> <p>9 so a trajectory will generally, if it's the same</p> <p>10 trajectory on multiple holes, will generally represent</p> <p>11 one shooter if the holes are close together on their</p> <p>12 impact marks.</p> <p>13 Q. So, as you sit here today, can you identify</p> <p>14 any other holes for which you determined the trajectory</p> <p>15 for?</p> <p>16 A. Well, I can't tell you from the picture. We'd</p> <p>17 have to have the door in front of us.</p> <p>18 Q. And true you didn't include that information</p> <p>19 in your report?</p> <p>20 A. I didn't find it significant. I found the</p> <p>21 number of holes much more significant than some of this</p> <p>22 other stuff you're questioning me about.</p> <p>23 Q. What holes did you find to be most</p> <p>24 significant?</p> <p>25 A. Well, here's the problem, ma'am, and I'm just</p>
<p>Page 243</p> <p>1 look at what the SAAMI specifications are. If you're</p> <p>2 manufacturing ammo or a barrel, you're going to look at</p> <p>3 the SAAMI specs and make sure that, if you want to</p> <p>4 manufacture something standard, that you stay within</p> <p>5 those specifications. There's also cartridges called</p> <p>6 wildcats that are outside those specifications that we</p> <p>7 don't pay attention to when we build wildcat cartridges,</p> <p>8 but that's a whole nother discussion.</p> <p>9 Q. Moving back to the door, did you make a</p> <p>10 trajectory determination with regard to any of the other</p> <p>11 bullet holes depicted in this photo?</p> <p>12 A. I looked at a number of them and looked at the</p> <p>13 angle that they entered the door, but I didn't look at</p> <p>14 all of them because some of them, there were like three</p> <p>15 or five shots in a small group and they were all headed</p> <p>16 the same direction. I only really needed to look at the</p> <p>17 direction of one carefully to get an idea where all three</p> <p>18 were. So, I did not look at every single hole and every</p> <p>19 direction of every hole and document that. I did not do</p> <p>20 that, but -- but I did select holes.</p> <p>21 Q. Okay. So, why -- why are you able to</p> <p>22 extrapolate information from one hole to the other holes?</p> <p>23 Was it your testimony that you didn't need to look --</p> <p>24 view the trajectory for the other bullet holes because</p> <p>25 you had already taken one bullet hole? I think I'm just</p>	<p>Page 245</p> <p>1 going to be very frank with you. St. Louis City Police</p> <p>2 found and entered ten pieces of 7.62 by 39 brass. There</p> <p>3 are so many exit holes coming out of the bedroom that</p> <p>4 they should have found about 40 pieces of 7.62 brass if</p> <p>5 their deposition testimony was anywhere near accurate,</p> <p>6 and I find that highly problematic.</p> <p>7 Q. All right. When you say, just for the record,</p> <p>8 when you say "7.62 brass," you're referring to cartridge</p> <p>9 casing; correct?</p> <p>10 A. Yes, ma'am, 7.62 by 39 cartridge casing</p> <p>11 specifically.</p> <p>12 Q. Okay. And how many, based on your review of</p> <p>13 the records, 7.62 casings were recovered from the home?</p> <p>14 A. The police Evidence Room showed me envelopes</p> <p>15 that contained ten pieces of brass.</p> <p>16 MR. DOWD: Brass?</p> <p>17 THE WITNESS: Cartridge cases made of brass in</p> <p>18 7.62 by 39 with at least three, possibly four</p> <p>19 different headstamp designations.</p> <p>20 Q. Now, you testified a few moments ago that you</p> <p>21 think that there should have been more -- more</p> <p>22 cartridge -- 7.62 cartridge casings recovered. What is</p> <p>23 your basis for that statement?</p> <p>24 A. None of the policemen testified in their</p> <p>25 depositions that they fired from the bedroom or the back</p>

<p style="text-align: right;">Page 246</p> <p>1 of the house yet there's 35 -- a tremendous number of 2 exit holes that far exceed the number of 7.62 cases found 3 that were fired from the bedroom or the back of the house 4 with the other bedroom door open and, so, it's extremely 5 problematic with all of these exit holes from the back of 6 the house coming through the door and the wall that we 7 just reviewed and only ten pieces of brass found. I find 8 that amazing. 9 Q. How many exit holes did you observe in total 10 between the -- the wall and the door? 11 A. Well, in the picture that you just presented, 12 I circled 15 on the door and there's at least one, two, 13 three, four, five, six, seven, eight, nine, ten, 11, 12, 14 13 on the wall next to the door. That easily comes to 27 15 exit holes right there. 16 Q. All right. And let's turn to your report 17 again, Exhibit C. On Page 8 of your report, you find the 18 opinion that -- Sorry, I'm getting us there. You state: 19 "I did not find any evidence of damage to the front 20 living room wall which would have been there if the 21 Sporter Rifle rounds were fired through the bedroom wall 22 and towards the Officers at the front of the house." Why 23 do you believe that -- Well, what is your basis for 24 saying that there would be damage to the front living 25 room wall had rifle rounds been fired through the</p>	<p style="text-align: right;">Page 248</p> <p>1 A. I know a 9 millimeter was shot through the 2 bedroom wall. Go back to the picture you had up. 3 Q. All right. 4 A. Now look under -- 5 Q. All right. 6 A. -- the -- look under the sofa, ma'am. You 7 know what that is under the sofa? That's a -- That's a 8 Beretta 9 millimeter magazine that was discarded by an 9 officer after shooting rounds through it and doing a 10 tactical reload. 11 Q. Okay, just to be clear, the officers did 12 testify that they were shooting into the bedroom wall 13 after they entered through the front door. Were you 14 claiming, just to make sure I understand, were you 15 claiming that there was a -- that you found a 9 16 millimeter that had been shot from within the 17 bedroom? 18 A. No, I'm saying -- 19 Q. Okay. 20 A. -- out -- outside the bedroom into the bedroom 21 were 9 millimeter entry holes on this wall we see here 22 and there were 9 millimeter exit holes on the inside of 23 the bedroom and some of those 9 millimeter bullets 24 traveled to the far side of the window, went through the 25 glass and the frame down at the bottom. If we zero in on</p>
<p style="text-align: right;">Page 247</p> <p>1 bedroom? 2 A. It has to do with my knowledge of terminal 3 ballistics and all the tests that I've done, but there's 4 a very clear comparison in this situation. There were 9 5 millimeter holes fired from the living room into the 6 bedroom that penetrated the plaster, penetrated the 7 second layer of plaster, penetrated the first pane of 8 glass, penetrated the second plane of -- pane of glass, 9 penetrated the aluminum frame outside the glass on the 10 window and then left a huge divot in the brick on the 11 home across the alley. Now, that's a handgun round with 12 360 foot-pounds of energy. Now, 7.62 by 39 case has a 13 much harder bullet, a much pointier bullet, a much more 14 dramatic penetration profile and it was supposedly shot 15 through the bedroom wall, flew past an officer yet didn't 16 leave a single mark on the -- on the wallpaper on the 17 front wall of the house? That's impossible. 18 Q. Now, you just described a -- a 9 millimeter 19 that you believe was shot through the bedroom wall? 20 A. I -- 21 Q. I'm sorry -- 22 A. I -- 23 Q. -- can you back -- 24 A. I know -- 25 Q. -- up?</p>	<p style="text-align: right;">Page 249</p> <p>1 that with another picture, I can show you where that 2 9 millimeter hole left a nice wide 9 millimeter lead 3 streak on the aluminum frame. 4 Q. And we will get there, I hope. Did you make 5 any attempt to determine where the shooters were located 6 at the time all these shots were fired? 7 A. I did after reading the depositions of the 8 officers that testified about going inside the home and 9 Mr. Dowd had them circle or mark an "X" on the map of 10 where they were standing and some of it did correspond 11 with the entry holes going into the bedroom. 12 Q. Okay. And you've testified that there are 13 exit holes on the wall and the door; correct? 14 A. On both sides, ma'am. 15 Q. All right. Did you make any attempt to 16 determine where the shooter or shooters who fired from 17 the bedroom were located? 18 A. Well, that's a very difficult thing to do to a 19 precise degree, but one of the things that is a telltale 20 on that is that if the shooter is close to the wall or 21 the door, you will have powder burns in a small diameter 22 surrounding the entry hole of the bullet. But it was 23 clear to me that there was no one even close to the wall 24 when firing from the bedroom out, 'cause I didn't find 25 any powder burns or powder residue. The powder doesn't</p>

<p>Page 250</p> <p>1 burn completely, so when it comes out the end of the 2 barrel, it's still on fire and it leaves a burn mark and 3 it's fairly obvious when you're up close. 4 Q. And turning back to Exhibit C, the report, 5 Page 8 states -- on Page 8, you write: "Further" -- 6 "Furthermore, there was no damage to the ballistic shield 7 that I inspected on June 23, 2020, that was supposedly 8 protecting the Officers when they entered the house." 9 What is the significance of the lack of damage to the 10 ballistic shield? 11 A. So, in our SWAT training -- and St. Louis City 12 follows this procedure -- the number one guy through the 13 door is generally carrying what they call a bunker or 14 what you and I call a ballistic shield and he has a 15 handgun in his hand because it's too much material to 16 control a long gun and a shield at the same time. And he 17 is clearly the easiest target for someone shooting at a 18 SWAT team entering a home. You generally do see impacts 19 on the shield, if not into the officers' bodies as they 20 make entry as someone's shooting at them, similar to the 21 case with Eric we talked about earlier. 22 (Cell phone ringing.) 23 Q. And going back to this -- 24 MS. MCGOWAN: Oh, someone's got a cell phone 25 going off. I'll wait a minute.</p> <p>Page 251</p> <p>1 (Questions by Ms. McGowan) 2 Q. So, generally speaking, does the angle of the 3 bullet as it crosses through a substance affect the size 4 of the hole? 5 A. Depends on the depth of the material. So, if 6 you're shooting through a piece of paper, you will have 7 an oval hole. If you're shooting through something that 8 has depth like a door, you will see an oval entry on the 9 surface, but then it will shrink to the diameter of the 10 bullet as you get into the middle of the door because the 11 door has depth to the material. And, so, the entry hole 12 will change shape right on the surface, but the center, 13 as the bullet penetrates, will be the diameter of the 14 bullet. 15 Q. And turning to Page 7 of your report, you say, 16 "I searched extensively for a 7.62 entry hole as I 17 expected to find [...]," so is it your testimony today 18 that you did not find a single bullet hole at the house 19 which you believe was made by a 7.62? 20 A. Yes, ma'am, that's my testimony. I didn't 21 find a single bullet hole that matched up to a .3113 22 diameter that was consistent with the other ballistic 23 evidence. 24 Q. You go on to write at the bottom of Page 7, 25 "The width of the entry holes made are either too small,</p>	<p>Page 252</p> <p>1 having come from a .223 caliber [...] too large having 2 come from a 9mm handgun bullet." As you sit here today, 3 are you able to identify in Exhibit K-2 which bullet 4 holes you would characterize as too large to have come 5 from a 7.62? 6 A. Well, I -- I believe there may be some 9 7 millimeter holes on the door and there are definitely 9 8 millimeter holes further down the wall to the left of the 9 door, I think, or I mean around the -- like around the 10 corner you'll see. 11 Q. And when you say "around the corner," where 12 are you referring to? 13 A. Can you pan left in the picture? I don't know 14 how far the picture goes. Yeah, it's blocked by the 15 frame. 16 Q. Let's -- 17 A. We'll have to grab -- 18 Q. Let's turn -- 19 A. -- a different pic. 20 Q. Exhibit K-3, does that depict the area you're 21 describing? 22 A. Let me see. Yeah, I think that, if I recall, 23 there -- there's some in the door and then there's some 24 around the corner where the lamp is, but the picture's 25 not very good, so...</p> <p>Page 253</p> <p>1 Q. So, as you sit here, you cannot identify which 2 holes are too large, larger -- 3 A. Do you -- Do you see the left corner of the -- 4 Can you blow up the door, can we get a close-up of the 5 door? 6 Q. Let's go back to K-2. I believe that will be 7 better. 8 A. It's hard with the door at an angle. We need 9 to be 90 -- We need a photograph 90 degrees from the door 10 in a close-up. 11 MR. DOWD: Those -- Those were sent to you 12 after the inspection. I took -- I took close-ups. 13 A. Can you zoom in with this software? 14 Q. And, again, I'm looking for you to identify 15 any holes in the door or the wall that you claim are too 16 large to have been made by a 7.62. 17 A. Well, I recall measuring a few when I was at 18 the police station, but I can't see 'em on this picture. 19 I will say this: I do believe that to the 20 left of the door where you see that large damage just 21 below -- You probably can't see my cursor. 22 Q. I cannot. 23 A. Hold on one second. Let me see if I can do 24 this for you. Oh -- 25 Q. Okay.</p>
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<p style="text-align: right;">Page 254</p> <p>1 A. -- you moved the --</p> <p>2 Q. I lost it.</p> <p>3 A. -- the picture. Okay, so, this hole right</p> <p>4 here.</p> <p>5 Q. And I -- I -- can you mark that up using the</p> <p>6 software, the annotate?</p> <p>7 A. I'm -- I'm trying. Let me -- Let me get back.</p> <p>8 It took it away from me. I guess you changed pictures.</p> <p>9 It takes away my annotate function when you change</p> <p>10 pictures. Hold on just a second. Get back to the</p> <p>11 circle.</p> <p>12 So, this hole here and this hole here are</p> <p>13 larger, much too big to be .311 or .223 and they are</p> <p>14 entrance holes it looks like.</p> <p>15 MS. MCGOWAN: And, Andrew, can you take a</p> <p>16 screenshot of this?</p> <p>17 MR. WHEATON: Got it.</p> <p>18 MS. MCGOWAN: And that will be marked</p> <p>19 Defendants' K-2-3. All right.</p> <p>20 (Questions by Ms. McGowan)</p> <p>21 Q. All right, turning to Page 11 of your report.</p> <p>22 Thank you for removing those circles. On Page 11, you</p> <p>23 provide the opinion that the Department's photographs --</p> <p>24 Let me get there.</p> <p>25 (At this point, an off-the-record discussion</p>	<p style="text-align: right;">Page 256</p> <p>1 oxidation. When it's fired, it's heated up to 2,800</p> <p>2 degrees Kelvin, okay? And the brass, part of the reason</p> <p>3 they use brass is it doesn't oxidize quickly. You can</p> <p>4 manufacture the ammo, you can sell it, you can distribute</p> <p>5 it, you can store it and you don't see oxidation form</p> <p>6 quickly. And I mean -- And I mean months, not days. I</p> <p>7 mean months. I mean --</p> <p>8 Q. So, again --</p> <p>9 A. -- I can -- I can take brand-new ammo out of a</p> <p>10 box that I purchased for my store eight years ago and</p> <p>11 it's still shiny and clean. There's no oxidation.</p> <p>12 Q. Okay. Why is it not possible for an oxidized</p> <p>13 bullet to be fired?</p> <p>14 A. Well, it's not impossible, but generally when</p> <p>15 something oxidizes, it grows in dimension. And the ammo</p> <p>16 is a very tight tolerance with the chamber for safety and</p> <p>17 pressure reasons and it generally won't cycle the gun if</p> <p>18 it's oxidized. You won't be able to fire a semi-auto gun</p> <p>19 repeatedly with -- with oxidized ammo because it's grown</p> <p>20 in dimension. I mean it's -- it can be very problematic.</p> <p>21 That's why we tell people to keep their ammo clean and</p> <p>22 dry.</p> <p>23 Q. What are you relying on for the basis that</p> <p>24 oxidized bullets increase in size?</p> <p>25 A. That's a physical law, ma'am.</p>
<p style="text-align: right;">Page 255</p> <p>1 was had.)</p> <p>2 Q. You state: "The Department's photographs of</p> <p>3 the alleged Sporter Rifle shell casings taken immediately</p> <p>4 after the shooting are not consistent with being fired by</p> <p>5 that particular gun on that day." What is your basis for</p> <p>6 your opinion that the shell casings were not fired from</p> <p>7 the Inter Ordnance Sporter rifle that was recovered from</p> <p>8 Poli- -- by the Police Department?</p> <p>9 A. It's based in the fact that the cases show</p> <p>10 oxidation.</p> <p>11 Q. Okay.</p> <p>12 A. And oxidation doesn't happen in three hours.</p> <p>13 Q. What is oxidation?</p> <p>14 A. Like rust. It's an exothermic reaction that</p> <p>15 changes the color and substance of something, so iron</p> <p>16 oxidizes red, aluminum oxidizes white, led oxidizes</p> <p>17 white, brass oxidizes a greenish blue.</p> <p>18 Q. Why is it not possible for an oxidized bullet</p> <p>19 to be fired?</p> <p>20 A. Well, generally ammunition that is not subject</p> <p>21 to heat, like it's loaded properly and it's a bullet's</p> <p>22 pressed in place and it's put in a box and sold to</p> <p>23 someone that's 20 years old who has no ability to load</p> <p>24 his own ammo, he has to purchase it from someone or steal</p> <p>25 it from someone, that ammunition is not subject to</p>	<p style="text-align: right;">Page 257</p> <p>1 Q. Okay.</p> <p>2 A. It's --</p> <p>3 Q. Have you --</p> <p>4 A. It's --</p> <p>5 Q. -- done any studies or laboratory work on --</p> <p>6 on that point?</p> <p>7 A. Well, I've measured thousands of things with</p> <p>8 micrometers and that have to fit. We have -- When we put</p> <p>9 things together, we have things called slip fits and</p> <p>10 press fits in a manufacturing environment, and something</p> <p>11 that is a slip fit where it has two-thousandths of room,</p> <p>12 if it's oxidized, it won't go in the hole because the</p> <p>13 oxidation has caused the part to grow in dimension, so</p> <p>14 you have to clean the oxidation off before you can place</p> <p>15 it in the hole.</p> <p>16 Q. Sir --</p> <p>17 A. And --</p> <p>18 Q. -- when you --</p> <p>19 A. -- we als- -- And, so, that's just kind of a</p> <p>20 common known thing that machinists and engineers all</p> <p>21 understand and anyone in the manufacturing of anything</p> <p>22 metal understands this.</p> <p>23 Q. Have you performed experiments in a laboratory</p> <p>24 or controlled setting measuring the size of a particular</p> <p>25 oxidized bullet and non-oxidized bullet?</p>

<p style="text-align: right;">Page 258</p> <p>1 A. Yeah, I can tell you that Powell River 2 Laboratories came across a problem with ATK's ammo that 3 they sold to SEAL teams where they were blowing up guns 4 because the bullets had oxidized and grown in dimension 5 and now they were too big to go through the barrel with 6 safe pressure. I've had that experience and we solved 7 that problem for them. 8 Q. What photographs were you looking at in 9 forming your opinion that the shell casings showed 10 oxidization? 11 A. The photographs that St. Louis City provided. 12 Q. Which particular photos, can you tell us here 13 today? 14 A. Ma'am, I looked at 700 photos. There's about 15 five photos of the .762 by 39 brass. Just pick one. 16 Q. All right. Did you view those on a screen? 17 A. The Dowd law firm has a 70-inch monitor in 18 their conference room and we could blow it up to the 19 point where you could see incredible detail where like 20 the pore on your nose, in your skin would fill up the 21 whole TV screen. So -- 22 Q. Would you -- 23 A. -- we looked at it at really high 24 magnification with a lot of resolution and there were a 25 couple problematic things with the brass and it had to do</p>	<p style="text-align: right;">Page 260</p> <p>1 date you authored your Affidavit that's depicted in 2 Exhibit B, you had not physically inspected the shell 3 casings? 4 A. True. 5 Q. And is it your testimony here today that it is 6 impossible -- or it's not impossible for an oxidized 7 bullet to be fired; correct? 8 A. That is not impossible. 9 Q. And, so, your in-person inspection of these 10 cartridge cases didn't occur until 2020, right? 11 A. That's correct. 12 Q. And that was three years after the June 7, 13 2017, incident at issue in this case, right? 14 A. Approximately. 15 Q. Could oxidization have occurred in a 16 three-year time period? 17 A. Yeah, I think so if it's -- if there's a lot 18 of moisture in the air and it's not in a sealed envelope. 19 Q. All right, I want to turn back to Exhibit -- 20 Exhibit K-4 and I want to draw your attention to the 21 bullet holes depicted on the south exterior wall -- or 22 I'm sorry -- interior wall below the window there. Do 23 you -- Do you see -- 24 A. Yes, ma'am. 25 Q. -- to the left of the bedroom?</p>
<p style="text-align: right;">Page 259</p> <p>1 with the marks on the shell casing and the oxidation. 2 Q. All right. Do you have any knowledge whether 3 that screen is color calibrated? 4 A. I -- I don't have any knowledge of it being 5 color calibrated. 6 Q. Is that a concern to you, would that matter, 7 would that change the -- you know, if the screen is 8 depicting -- 9 A. Well -- 10 Q. -- something that's not true to life? 11 A. You know, the color doesn't have to render 12 perfect. What's -- What's interesting is that the 13 blotchiness of it because an unoxidized case has a very 14 consistent color to it, an oxidized case has a very 15 inconsistent color. But the other problem is there are 16 insertion marks from steel magazines on those cases. 17 Q. And we'll get there. 18 A. Mmm (phonetically). 19 Q. Now, it's true that you had not physically 20 inspected the casings yourself in person prior to 21 authoring the Affidavit that is depicted in Exhibit B; 22 correct? 23 A. Ma'am, I lost my internet for a moment. Could 24 you please repeat that question? 25 Q. Sure, I just wanted to -- You had not on the</p>	<p style="text-align: right;">Page 261</p> <p>1 A. Yes, ma'am. 2 Q. Do you have measurements for any of those 3 bullet holes -- 4 A. Yeah, we sent you -- 5 Q. -- that you provided? 6 A. -- pic- -- we sent you pictures of the entry 7 marks that were .224 in diameter with the caliper on the 8 entry mark. 9 Q. Okay. When? When, when did you send photos? 10 A. Whenever Richard sent them to you. 11 Q. Okay. Are you describing photos that were 12 taken during the -- the inspection of the evidence or are 13 you describing photos that were taken at one of your site 14 visits? 15 A. No, if you're talking about the south wall, 16 the interior surface of that outdoor wall with the 17 stained glass window on it, talking about at the home 18 with the caliper -- 19 Q. All right. 20 A. -- on the entry marks. 21 MS. MCGOWAN: Richard, we'll talk about that. 22 I -- I'm not certain we received those, but -- 23 MR. WHEATON: And for the record, I'm going to 24 interrupt if I may, this is Andrew Wheaton, but I 25 see that we received a ShareFile link, the Dowd law</p>

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<p>1 firm at 6:09 p.m. last night with photos taken 2 during Mr. Andrews' inspection. 3 MS. MCGOWAN: Okay. 4 THE WITNESS: I didn't hear that. Could 5 someone repeat that, please? 6 MR. DOWD: They got -- They got the pictures 7 of the inspection that I took at when you were doing 8 the inspection, they got those last night at six 9 o'clock. 10 THE WITNESS: Roger that. 11 (Questions by Ms. McGowan) 12 Q. All right. So, as you sit here today, you 13 can't provide the measurements for any of the bullet 14 holes depicted in Exhibit -- 15 A. I di- -- 16 Q. -- K- -- 17 A. I didn't say -- 18 Q. -- 4? 19 A. -- that. I specifically remember measuring 20 some of those holes. 21 Q. Okay, which ones -- 22 A. Now -- 23 Q. -- did you measure? 24 A. So, can you blow it up? 25 Q. Yes.</p>	<p>1 A. Well, you're circling the whole thing, but the 2 entrance mark is to the left, not where the big chunk is 3 blown out. It's -- 4 Q. Okay. 5 A. -- at the very point on the left where it 6 begins entry. 7 Q. Is that what you're referring to, sir? 8 A. No. Let me get -- Let me -- Let me -- 9 Q. Yeah, why -- 10 A. -- draw -- 11 Q. -- don't you annotate -- 12 A. -- draw -- 13 Q. -- this. 14 A. -- a line to it and -- and make sure you've 15 got what you need. 16 Q. And I can blow this up a bit more if it will 17 allow me. 18 A. That will help. Thank you. 19 Q. I just need to give it a second to regain 20 control. Okay, does this depict the area we were talking 21 about before? 22 A. Let me see if I can get this to mark. I don't 23 know. I chose a different thing than a circle. I'm 24 going to Control Z that out of there. That's useless. 25 Let me choose something else to draw with. I'm going to</p>
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<p>1 A. Okay, so, if you come over with your cursor up 2 slightly and over to where the stain is. That's too far. 3 Come back halfway. 4 Q. (Counsel complying with witness' request.) 5 A. Come to the right. 6 Q. (Counsel complying with witness' request.) 7 A. Stop right there. Now, no, go up and to the 8 right slightly. 9 Q. (Counsel complying with witness' request.) 10 A. Down. Do you want me to just circle it? 11 There, right there. Do you see the -- Do you see the 12 upper left quadrant of your cursor? 13 Q. Yes. 14 A. That is an -- That is an entry mark right 15 there that cut the wallpaper almost perfect radius the 16 size of a .224 diameter bullet. And there's a number of 17 other ones that are like that -- 18 Q. Okay. 19 A. -- where you have the entry mark into that 20 thick woven wallpaper that is really round and right on 21 .224 diameter. 22 Q. All right, and -- and, sir, am I circling 23 the -- 24 A. Yes, ma'am. 25 Q. -- area that you're describing?</p>	<p>1 choose an arrow. Hold on. Ah, here we go. This will be 2 nice and precise. 3 So, about a quarter inch to the right of the 4 tip of this arrow is the entry mark where the wallpaper 5 is .224. I'll show you another one here. It is clearly 6 distinctly round and .224 in diameter. Let me give you 7 another one. 8 Yes, it's a tough thing to understand how .223 9 bullets are coming out of the bedroom, going through the 10 door, and impacting the wall there. 11 Q. Can you use the annotation tool to mark each 12 of the locations on this wall which you believe or which 13 you're testifying were created by a .223? 14 A. Yeah, basically all of them. You could just 15 take the whole wall. There isn't a 9 millimeter or a 16 7.62 mark on that wall. They're all .223. And I 17 inspected all of them 'cause I found that highly 18 significant. 19 Q. Sir, can you describe for me all the 20 principles you relied upon in reaching your determination 21 that there were no bullet holes created by a 7.62? 22 A. Well, we don't make the laws of physics, we 23 just live here. And when a .223 bullet hits that type of 24 medium, it penetrates a slight amount, the bullet 25 fragments into dust and it leaves a half-circle, 180</p>

<p style="text-align: right;">Page 266</p> <p>1 degree circle, .224 in diameter. If a 7.62 by 39 bullet 2 had entered that wallpaper, it would have blown a much 3 bigger chunk of plaster out of there 'cause it has over 4 almost twice the energy of a .223 and it would have left 5 a .311 diameter circle and it would have penetrated much 6 deeper into the brick because the bullets are much harder 7 and they're much more powerful and they carry much more 8 mass and they have much more sectional density. 9 Q. What happens to a bullet when it travels 10 through a slab of wood? 11 A. Depends on the construction of the bullet and 12 the twist rate of the barrel it was fired through. 13 Q. Okay. Do you have any opinions -- Strike 14 that. 15 A. I have tests that I did with St. Louis City on 16 that very subject going through a door. 17 Q. Now, did you determine the trajectories for 18 any of -- Aside from the hole you identified when we were 19 looking at Exhibit K-2, did you determine the 20 trajectories for any of the other bullet holes depicted 21 in Exhibit K-4? 22 A. Well, we -- we talked about that. I did some 23 and I did not do all. 24 Q. Okay, and why didn't you do all for the bullet 25 holes depicted in K-4?</p>	<p style="text-align: right;">Page 268</p> <p>1 VIDEOGRAPHER: At approximately 6:52 p.m., we 2 are back on the video record. 3 (Questions by Ms. McGowan) 4 Q. Okay, Mr. Andrews, I have just a few more for 5 you tonight, and as I told your attorney, I told Mr. Dowd 6 when we were off the record the Defendants will be 7 seeking leave of court to get additional time to finish 8 asking you questions. You've given us a lot of opinions 9 here today that weren't included in the report that you 10 produced in the case and, so, we have a lot of ground to 11 cover. 12 But nevertheless, to jump back into a few more 13 questions before we wrap up, so what is the effect on a 14 bullet that passes through a wooden door or wooden slab? 15 A. So, as I answered before, it depends on five 16 conditions. There is the thickness of the copper jacket 17 or the structure of the tip. There is the -- the alloy 18 of the lead core, which could be just lead or it could be 19 alloyed with antimony. Soft bullets are one percent 20 antimony, hard bullets are three percent antimony. And 21 they change that based on what velocity and what 22 cartridge the bullet's going to be fired through so it 23 keeps integrity as it's being spun up. And then there's 24 the twist rate of the bullet. So, for example, a .223 25 bullet being fired through a door with an FMJ bullet,</p>
<p style="text-align: right;">Page 267</p> <p>1 A. Because it wasn't necessary to understand the 2 significance of the situation. 3 Q. Okay. Sir, is -- it's your testimony that at 4 least one bullet traveled through the bedroom door into 5 the wall that we're looking at here now; correct? 6 A. It's my testimony that 13 or 14 did. 7 Q. Okay. 8 MS. MCGOWAN: How much time do we have, 9 Richard? 10 MR. DOWD: We are -- We've got 15 minutes 11 left. 12 MS. MCGOWAN: Okay. Let me review my notes 13 for just a moment. I want to make sure. 14 THE WITNESS: Can I take a very quick bathroom 15 break, please? 16 MS. MCGOWAN: Yes. 17 THE WITNESS: I'll be -- 18 MR. DOWD: Five -- 19 THE WITNESS: -- right back. 20 MR. DOWD: Five minutes. 21 THE WITNESS: Less than two. 22 VIDEOGRAPHER: At 6:45 p.m., we are going off 23 the record. 24 (At this point, there was a break taken from 25 6:45 p.m. to 6:51 p.m.)</p>	<p style="text-align: right;">Page 269</p> <p>1 full metal jacket, would make a small hole going in and 2 likely a small hole coming out, keep its spin stability 3 and keep its trajectory where other bullets, the other 4 extreme would be like a -- a 55 grain Nosler Ballistic 5 Tip shot through a 1-in-7 twist barrel that would go 6 partway into the door and would completely come apart and 7 blow a hole almost the size of your fist on the -- on the 8 back side of the door. And, so, there's everything in 9 between those two extremes based on the ammo, the 10 velocity, the barrel length, the twist rate, the amount 11 of antimony alloyed in the core and the angle that it 12 enters the wood. There's -- There's -- There's a number 13 of factors involved there that you have to be familiar 14 with to understand what you're looking at. 15 Q. All right, and what about a 7.62 by 39 caliber 16 bullet, how would that be affected by traveling through 17 the door? 18 A. Not hardly at all because that's a very hard, 19 thick jacket, full metal jacket that's actually made from 20 the back. Most bullets you have a cup that you put a 21 core in and then the tip is pointed up, but on the 7.62 22 by 39 bullets, particularly the ones that there were 23 casings for in evidence, the -- the jacket is actually 24 hard in the point and the opening's in the back and, so, 25 when you manufacture that bullet, you insert the lead in</p>

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<p>1 from the back and, so, it makes it much more capable of</p> <p>2 penetrating without deformation, without expanding in --</p> <p>3 and without losing as much energy and -- and it will</p> <p>4 travel a long way through multiple, multiple doors.</p> <p>5 MR. DOWD: And -- And that was the short</p> <p>6 answer.</p> <p>7 A. Yeah, you're asking a really technical</p> <p>8 question there. I'm sorry.</p> <p>9 MR. DOWD: I was trying to be funny.</p> <p>10 THE WITNESS: That was the short answer.</p> <p>11 MR. DOWD: Jesus.</p> <p>12 MS. MCGOWAN: Well, just reviewing my notes.</p> <p>13 I think that that is where we'll end it for tonight.</p> <p>14 Again, we're going to ask that the deposition be</p> <p>15 held open so that the Defendants can seek leave of</p> <p>16 court to go beyond the seven hours provided by the</p> <p>17 rule.</p> <p>18 MR. DOWD: I -- Let -- For the -- For the</p> <p>19 record, if I may -- Are you done? If you're not</p> <p>20 done, please finish and then I'll talk.</p> <p>21 MS. MCGOWAN: No, Richard, continue. We're --</p> <p>22 I'm -- I'm done. That's the last question I'll ask</p> <p>23 tonight.</p> <p>24 MR. DOWD: No, I know, but do you want to make</p> <p>25 more of a record?</p>	<p>1 until today that we sent you the photographs that I</p> <p>2 took of the -- a inspection of the home that I took</p> <p>3 with Mr. Andrews doing the measurements. I</p> <p>4 cannot -- I've tried to figure out whether that</p> <p>5 has -- had happened. I thought it went with our</p> <p>6 Supplemental Rule 26 Responses. I'm not getting a</p> <p>7 affirmative response from either Jennifer or Rachel</p> <p>8 on that. So, if we didn't send those, I will let</p> <p>9 you look at those and question as to that for</p> <p>10 sure 'cause I -- I thought we sent them to you back</p> <p>11 when we did our Supplemental Rule 26. If you -- If</p> <p>12 you don't -- If -- If you say we didn't, we</p> <p>13 didn't 'cause I can't prove that we did.</p> <p>14 MS. MCGOWAN: I -- I don't believe we received</p> <p>15 them at that point in time. We are -- We did</p> <p>16 receive documents that you sent over at -- after</p> <p>17 6:00 p.m. last night. My understanding was that</p> <p>18 those were photographs taken at the physical</p> <p>19 inspection of the evidence at Property Custody.</p> <p>20 MR. DOWD: Correct, on -- from the 23rd of</p> <p>21 June.</p> <p>22 MS. MCGOWAN: June of --</p> <p>23 MR. DOWD: Okay, I didn't --</p> <p>24 MS. MCGOWAN: -- 2020, yes.</p> <p>25 MR. DOWD: -- get a request for those until</p>
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<p>1 MS. MCGOWAN: In terms of do you -- will</p> <p>2 you --</p> <p>3 MR. DOWD: Well --</p> <p>4 MS. MCGOWAN: -- consent --</p> <p>5 MR. DOWD: -- here's --</p> <p>6 MS. MCGOWAN: -- to --</p> <p>7 MR. DOWD: -- here's -- here's the way I will</p> <p>8 approach the Court if need be. Hopefully we can</p> <p>9 work this out as we have done with most things, but,</p> <p>10 you know, based upon -- and -- and I -- I raised the</p> <p>11 issue early in terms of all of the questioning about</p> <p>12 his background and it was extensive, it was -- it</p> <p>13 was over the top, in my opinion, and wasted a lot of</p> <p>14 time. I'm going to look at -- I'm going to look at</p> <p>15 the transcript and -- and figure out how much time</p> <p>16 was used on all of that unnecessarily in my opinion</p> <p>17 and, you know, I'll put this in a -- in a draft of</p> <p>18 a -- of a response to your motion if need be, but my</p> <p>19 point is there was so much time taken up that was</p> <p>20 unnecessary, in my opinion, and we'll be able to</p> <p>21 tell from -- from the transcript. But, you know,</p> <p>22 based upon that and some other -- other times that I</p> <p>23 think were totally unnecessary, we will -- we will</p> <p>24 talk and see if we can agree on a -- on an amount of</p> <p>25 time. It's my -- It has been my understanding up</p>	<p>1 last week if -- if I'm right, and maybe it was</p> <p>2 yesterday, I can't remember, but I did get 'em to</p> <p>3 you as fast as I could when I got the request from</p> <p>4 Andrew, so...</p> <p>5 MR. WHEATON: And I'll just note --</p> <p>6 MS. MCGOWAN: Well, we can --</p> <p>7 MR. WHEATON: -- Richard, Richard, as you may</p> <p>8 recall, we agreed that you would produce those</p> <p>9 pictures at the inspection when we were talking</p> <p>10 during the inspection. Just note that for the</p> <p>11 record.</p> <p>12 MR. DOWD: And I -- I -- I think I told you at</p> <p>13 that time I would send them to you. And -- And it's</p> <p>14 your fault for not reminding me.</p> <p>15 MS. MCGOWAN: All right, I think we can</p> <p>16 have -- I think we've -- we've made our record and</p> <p>17 can have the rest of these conversations off the</p> <p>18 record if we need to.</p> <p>19 Mr. Andrews, I want to thank you for your time</p> <p>20 today.</p> <p>21 MR. DOWD: Sara --</p> <p>22 THE WITNESS: Same to you.</p> <p>23 MR. DOWD: -- when can --</p> <p>24 THE WITNESS: I appreciate it.</p> <p>25 MR. DOWD: Sara, when can we get a -- it</p>

<p>Page 274</p> <p>1 doesn't have to be a -- a complete -- 2 MS. MCGOWAN: Oh, oh. 3 MR. DOWD: -- transcript. 4 THE REPORTER: Can we stop the video record; 5 is that okay with -- before you ask this? 6 (At this point, an off-the-record discussion 7 was had.) 8 VIDEOGRAPHER: At seven o'clock p.m., this 9 concludes what is possibly Volume I of the 10 deposition of L. Samuel Andrews. We are going off 11 the video record. 12 (Deposition adjourned for the day.) 13 (SIGNATURE RESERVED PENDING COMPLETION) 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>Page 276</p> <p>1 DEPOSITION CORRECTION SHEET VOLUME I OF THE DEPOSITION OF L. SAMUEL ANDREWS 2 3 In Re: GINA TORRES, et al vs. CITY OF ST. LOUIS, et al, No. 4:19-CV-1525-DDN 4 5 Page: Line: Should Read: Reason: 6 7 Page: Line: Should Read: Reason: 8 Page: Line: Should Read: Reason: 9 10 Page: Line: Should Read: Reason: 11 Page: Line: Should Read: Reason: 12 13 Page: Line: Should Read: Reason: 14 Page: Line: Should Read: Reason: 15 16 Page: Line: Should Read: Reason: 17 Page: Line: Should Read: Reason: 18 19 Page: Line: Should Read: Reason: 20 21 22 23 24 25</p> <p>SIGNATURE OF DEPONENT</p>
<p>Page 275</p> <p>1 STATE OF) 2) SS COUNTY OF) 3 4 I, L. SAMUEL ANDREWS, do hereby state that the 5 foregoing statements are true and correct to the best of 6 my knowledge and belief. 7 8 9 10 11 12 L. SAMUEL ANDREWS 13 14 15 Subscribed and sworn to before me this ____ day 16 of ____, 2020. 17 18 19 20 21 22 NOTARY PUBLIC 23 My Commission Expires: 24 25</p>	<p>Page 277</p> <p>1 CERTIFICATE 2 3 I, Sara Alice Masuga, Certified Shorthand 4 Reporter and Certified Court Reporter within and for the 5 States of Illinois and Missouri, DO HEREBY CERTIFY that 6 pursuant to agreement between counsel that on August 11, 7 2020, originating at the offices of Masuga Reporting 8 Service, 2033 Hiawatha Avenue, St. Louis, Missouri, there 9 appeared before me via Zoom videoconference the 10 aforementioned witness, and having been duly sworn to 11 tell the whole truth, was examined, and the examination 12 was taken down in shorthand by me and afterwards 13 transcribed upon the computer, and said transcription is 14 herewith returned. 15 IN WITNESS WHEREOF, I have hereunto subscribed my 16 name this 16th day of August, 2020. 17 18 19 20 21 22 Sara Alice Masuga, CSR, CCR IL CSR No. 084-002993 23 MO CCR No. 1012 24 25</p>

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2033 Hiawatha Avenue
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August 16, 2020

Dowd & Dowd, PC
Attn: Richard K. Dowd, Esq.
211 North Broadway
Suite 4050
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In Re: GINA TORRES, et al vs. CITY OF ST. LOUIS, et al
No. 4:19-CV-1525-DDN

Dear Mr. Dowd:

Enclosed herewith, please find your copy of Volume I of the Zoom videoconference video deposition transcript of L. SAMUEL ANDREWS taken in the above-styled matter along with the original signature page of same.

Please have the deponent read your copy of the transcript, note any corrections to be made, sign the original signature page, have the deponent's signature notarized where indicated, and return the signed signature page and correction sheets to Ms. McGowan for proper filing of the original transcript with the Court. Thank you for your attention to this matter.

Sincerely,
MASUGA REPORTING SERVICE

Sara Alice Masuga, CSR, CCR

cc: Ms. McGowan

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